

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 223 OF 2018
IN
WRIT PETITION NO. 1640 OF 2018

Siddharth Nagar Payal Co-operative Hsg.
Society Limited. ..Applicant.

In the matter of
Dasharath Mohan Yadav. ..Petitioner.

Versus
Municipal Corporation for Greater
Mumbai. ..Respondent.

Mr. A. Y. Sakhare, Senior Advocate with Bhavin R. Bhatia and Prayag
Joshi for the Applicant.
Mr. A. Shukla I/b M. U. Pandey for the Petitioner.
Ms. Rupali Adhate for MCGM.

Coram : RANJIT MORE &
REVATI MOHITE DERE, JJ.
Date : **November 27, 2018.**

P. C. :

1. Heard. Mr. Sakhare, learned senior counsel for the Applicant submitted that Applicant is the co-operative housing society and MHADA has executed a lease-deed in respect of the subject land in favour of the Applicant-Society. The Petitioner is a person who has encroached upon the land. The petition is filed challenging the notice issued under section 55 of the Maharashtra Regional and Town Planning Act, 1966 for removal of encroachment.

2. In the circumstances, we are of the opinion that the

Applicant society is a necessary party to the petition. In that view of the matter, we allow chamber summons in terms of prayer clauses (a) and (b). The Petitioner shall carry out necessary amendment in the writ petition and serve copy of the amended petition on the Respondents including the added Respondent. That exercise be done within two weeks from today, failing which petition shall stand dismissed for non prosecution without further reference to the Court.

2. Let the writ petition come up for admission on 10th December 2018.

3. Chamber summons stands disposed of.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]