

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION (st)NO. 9497 OF 2019

Mr. Naveen Khanna and Another

..Petitioners

Vs.

Navi Mumbai Municipal Corporation

and Others

..Respondents

Mr. P. N. Thorat, for the Petitioners.

Ms. M. P. Thakur, AGP , for the Respondent State.

Mr. Sandeep Marne, for Respondent Nos.1 and 2.

**CORAM:-S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATE :- NOVEMBER 28, 2019.

P. C.:

1. The above Writ Petition is filed by the Petitioners for the following reliefs:

- a) *This court be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent No.3 to hear and decide the Application for Injunction filed by the Petitioners in the Appeal under Sec. 47 of the MRTP Act, 1966 for challenging the Order dated 31st July, 2018 passed by the Navi Mumbai Municipal Corporation thereby rejecting the application submitted by the Petitioners for regularization of the Notice structure.*
- b) *That pending the hearing and final disposal of the Appeal filed under Sec.47 of the MRTP Act, 1966 the Respondents be restrained from taking any coercive action in respect of the said*

premises i.e. Shop Nos. 29,30,40 and 41, totally admeasuring 3327 sq.ft. on the ground floor of Satra Plaza Premises Cooperative Society Ltd. at Plot No. 19/20, Sector 19D, Vashi, Navi Mumbai, Taluka District: Thane.

- c) That pending the hearing and final disposal of the present Writ Petition the Respondents be restrained from taking any coercive action in respect of the said premises i.e. Shop Nos.29,30,40 and 41 totally admeasuring 3327 sq.ft. on the ground floor of Satra Plaza Premises Cooperative Society Ltd. at Plot No. 19/20, Sector 19D, Vashi, Navi Mumbai, Taluka District: Thane.*
- d) For such other and further reliefs as the nature and circumstances of the case may require as this Court may deem fit and proper be granted.”*

2. The Urban Development Department of Respondent No.3 shall within a period of eight weeks from today hear and decide the application for injunction filed by the Petitioners in Appeal under Section 47 of the Maharashtra Regional and Town Planning Act, 1966 impugning the order dated 31st July, 2018 passed by the Navi Mumbai Municipal Corporation.

3. The Petition is accordingly disposed of.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)