

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

WRIT PETITION NO.1943 OF 2018

Shri Kedarnath Co-op. Hsg. Soc. Ltd.
& Ors. ... Petitioners
versus
State Minister, Urban Development
Department and Ors. ... Respondents

Mr. Rakesh Kumar with Ms. Kajal Thallapalli i/by Legal Vision, for
Petitioners.
Mrs. Jyoti Chavan, AGP, for Respondent Nos.1 and 2.
Mr. R.Y.Sirsikar, for Respondent Nos.4 to 6.
Mr. Sahil Saiyed for Respondent No.7
Mr. C.N.Chavan, for Respondent No.8.

**CORAM: AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE: 26th AUGUST, 2019

P.C.:

1. Learned Counsel for Respondent No.7 undertakes to file Vakalatnama of Respondent No.7. He may do so within a period of one week from today.
2. This Petition has a checkered history. However, it is not necessary to go into the details thereof. The learned Counsel for the Petitioners filed an additional Affidavit dated 7th August, 2019 on the basis of which he submitted that the power of attorney given to the Respondent No.7 (original developer) by the owner of the land is

no longer valid. Learned Counsel for the Respondent No.7 under the instructions submitted that the Respondent No.7 would dispute the action of the original owner of treating such power as having lapsed/cancelled.

3. At this stage when the very power of Respondent No.7 to act on behalf of the land owner is under serious doubt and dispute, we provide that no development plan shall be received by the municipal authorities from Respondent No.7 with respect to the subject matter land, unless and until he establishes, through reliable documents or Court orders that he has the power to act on behalf of the said person. In view of these observations and directions, no further directions are needed to be given in favour of the petitioners. Therefore, without going into the legality of the impugned order passed by the Hon'ble Minister, this Petition is disposed of with the above observations and directions. Needless to state, if occasion ever arises for the competent authority to receive and examine the development plan presented by the Respondent No.7, the orders that may be passed by the Court from time to time in Suit No.354 of 2017 filed by the Petitioners, would be taken to account.

4. At this stage, learned Counsel for Respondent No.8

submitted that the structure which he was occupying has been demolished by the Petitioners. This is seriously disputed by the Petitioners and in any case in the present Petition, we are not inclined to enter into such controversy.

5. The Writ Petition is accordingly disposed of.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)