

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1146 OF 2021
IN
WRIT PETITION NO. 4447 OF 2021**

Netra Ajit Vijayakar ... Applicant/Petitioner.

V/s.

The Mira Bhayandar Municipal Corporation & Ors. ... Respondents.

Mr. C. M. Korde, Senior Counsel, a/w. Pranav Nair, Anagh Pradhan, Abraham Fernandes i/by Divya Shah Associates for the Applicant/ Petitioner.

Mr. R. S. Apte, Senior Advocate i/by M. S. Lagu for the Respondent No. 1.

Mr. Y. D. Patil, AGP for the State.

**CORAM : A.A.SAYED & S.G.DIGE, JJ.
DATE : AUGUST 24, 2021.**

P.C. :

1 Learned Senior Counsel for the parties have tendered the “Minutes of the Order” dated 24th August, 2021 in the above Interim Application (earlier numbered as Interim Application (st.) No. 6130 of 2021 and Writ Petition (st.) No. 5369 of 2020). The Minutes of the Order are signed by the Advocates for the parties. The

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same are taken on record and marked as "X" for identification. The Minutes of the Order read as under :

"a. Respondent No. 1 Corporation on 26th July, 2021 has already furnished to the Applicant/ Petitioner copies of the Government decisions dated 5th March, 2019 and 21st September, 2020 and a copy of the letter dated 15th January, 2021 addressed by the Respondent No.1 Corporation to the State Government.

b. The Applicant / Petitioner is permitted to file further submissions before the Hon'ble Minister within 10 days of this order.

c. The Hon'ble Minister is directed to give to the Applicant / Petitioner a further hearing in the matter within 4 weeks of the receipt of the further submissions of the Applicant / Petitioner mentioned in clause (b) above.

d. Within 4 weeks after the hearing mentioned in clause (c) above, the Hon'ble Minister is directed to take a decision under Section 37 of the Maharashtra Regional and Town Planning Act 1966, in respect of the Respondent No.1 Corporation's Application for sanction of State Government to the modification proposed by the Respondent No. 1 Corporation to the sanctioned Development Plan of Mira Bhayandar. The Hon'ble Minister to communicate the said decision to the Applicant / Petitioner and Respondent No. 1 expeditiously.

e. Respondent No.1 is restrained from carrying out any work on the Applicant's / Petitioner's land pending the decision of the Hon'ble Minister mentioned in clause (d) above and for a further period of two weeks from the date of

communication of the said decision to the Applicant / Petitioner, in the event of the Hon'ble Minister sanctioning the proposed modification. It is also made clear that the Respondent No. 1 Corporation will not carry out any work on the Applicant's/ Petitioner's land without complying with the provisions of Section 126 of the Maharashtra Regional and Town Planning Act, 1966.

f. The earlier interim orders stand modified as provided hereinabove. I.A. disposed off in the above terms.

Dated this 24th day of August, 2021

Divya Shah Associates
Advocates for the Petitioner

Mayuresh Lagu
Advocate for Respondent
No.1

B Panel Counsel for the State

Neha Bhide.”

2 The learned Counsel for the parties are agreed that insofar as clause (d) above is concerned, instead “4 weeks” the same shall be substituted by “8 weeks” for the Minister to take a decision. The Minutes of the Order shall stand modified to that extent.

3 The Interim Application to stand disposed of in terms of Minutes of the Order.

(S.G.DIGE, J.)

(A.A. SAYED, J.)