

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.538 OF 2019**

Ganga Singh Achhar Singh Sour and others.	]	Petitioners
Vs.		
The Municipal Corporation of Greater Mumbai	]	
and others.	]	Respondents

A/W
INTERIM APPLICATION NO.2427 OF 2020
IN
WRIT PETITION NO.538 OF 2019

M/s. Star Pack Industries and others.	]	Applicants
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IN THE MATTER BETWEEN:

Ganga Singh Achhar Singh Sour and others.	]	Petitioners
Vs.		
The Municipal Corporation of Greater Mumbai	]	
and others.	]	Respondents

a/w
WRIT PETITION NO.3505 OF 2019

Chandrakanta Chamanlal Oberoi	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

a/w
INTERIM APPLICATION NO.2510 OF 2021
IN
WRIT PETITION NO.3505 OF 2019

Ganga Singh Acchar Singh Sour and others.	]	Applicants
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IN THE MATTER BETWEEN:

Chandrakanta Chamanlal Oberoi	]	Petitioner
Vs.		
State of Maharashtra and others.	]	Respondents

a/w

**INTERIM APPLICATION [L] NO.19811 OF 2021
IN
INTERIM APPLICATION NO.2510 OF 2021
IN
WRIT PETITION NO.3505 OF 2019**

Chandrakanta Chamanlal Oberoi] Applicant

IN THE MATTER BETWEEN:

Chandrakanta Chamanlal Oberoi] Petitioner

Vs.

State of Maharashtra and others.] Respondents

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Mr. Akshay Kapadia a/w Mr. M.B. Sherekar, for Petitioner in W.P. No.538 of 2019.

Mr. J.S. Kini a/w Ms. Sapna Krishnappa, for Petitioner in W.P. No.3505 of 2019 and Respondents No.4 and 5 in W.P. No.538 of 2019.

Mr. S.G. Mahamuni, for Applicant in I.A. No.2427 of 2020.

Mr. Hemant Haryan, A.G.P, for Respondents No.2 and 3 - State in W.P. No.538 of 2019.

Ms. Uma Palsuledesai, A.G.P, for Respondents No.1 and 4 - State in W.P. No.3505 of 2019.

Mr. N.R. Bubna a/w Ms. Oorja Dhond i/b Mr. S.K. Sonawane, for Respondents - M.C.G.M.

Mr. Sushil Main - Sub Engineer - H & K Ward (Building Proposal) and

Mr. Kishan Gohil - Sub - Engineer (Maintenance) H West Ward are present.

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**CORAM : R.D. DHANUKA AND
PRITHVIRAJ K. CHAVAN, J.J.**

DATED : 13th JULY, 2022.

P.C.

1. Matter was on board before this Court on 22nd June, 2022. On that day, a statement was recorded by this Court made by learned Counsel appearing for Municipal Corporation of Greater Mumbai that he would take instructions to make a statement before this Court as to when the application made by the petitioner in Writ petition No.3505 of 2019 would be decided by the Municipal Corporation.

2. Learned Counsel appearing for M.C.G.M, on instructions, states that in so far as application filed by the petitioner in Writ Petition No.3505 of 2019 which is annexed at Page 205 of the additional affidavit to the Assistant Municipal Commissioner to prescribe 9.00 meter wide road line to existing road line abutting to the plot under reference is concerned, it is not feasible to decide the said application expeditiously. Statement is accepted.

3. In so far as application at page No.206 is concerned, it is submitted that if directions are issued by this Court to the Chief Engineer to decide the said application expeditiously, Chief Engineer would decide the said application and put up a proposal before the Municipal Commissioner. Statement is accepted.

4. We accordingly direct the Chief Engineer to decide application filed by the petitioner in W.P. No. 3505 of 2019 annexed at page No.206 to the additional affidavit within four weeks from today and put up a proposal before the Municipal Commissioner for further orders within one week from passing such order.

5. Municipal Commissioner shall consider the proposal submitted by the Chief Engineer and shall pass an appropriate order on the said proposal within four weeks thereafter.

6. Municipal Corporation to communicate the order that would be passed by the Municipal Commissioner to the petitioner in Writ Petition No.3505 of 2019 within one week from the date of passing order.

7. Place the matter on board on 12th September, 2022 "For Directions".

[PRITHVIRAJ K. CHAVAN, J.]

[R.D. DHANUKA, J.]