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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

VASANT
ANANDRAO
IDHOL

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ANANDRAO IDHOL
Date: 2022.08.03
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WRIT PETITION NO.3999 OF 2017

Sayed A. Abdul Majid & Ors.

...Petitioners

V/s.

The State of Maharashtra & Anr.

...Respondents

Mr.G.S. Godbole with Mr.Sumit S. Kothari for the Petitioners.

Mr.Ravi P. Kadam, AGP for the State – Respondent No.1.

Mr.A.S. Rao for the Respondent No.2.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATE : 29TH JULY, 2022.

P.C. :-

1. Rule. Mr.Kadam, learned AGP waives service for the respondent no.1. Mr.Rao waives service for the respondent no.2.

Rule made returnable forthwith.

2. Mr.Godbole, learned counsel for the petitioners states that he is pressing only prayer clause (b) at this stage. Statement is accepted.

3. Mr.Rao, learned counsel for the Municipal Corporation - respondent no.2 states that the respondent no.2 Corporation will decide the application filed by the petitioners for grant of T.D.R. in

accordance with law within four weeks from today. Statement is accepted. The order that would be passed by the respondent no.2 shall be communicated to the petitioners within one week from the date of passing order. It is made clear that this Court has not expressed any views on the merit of the said application made by the petitioners for grant of T.D.R. All the contentions of both the parties on merit are kept open.

4. If the application made by the petitioners is allowed, the consequential benefits shall be granted to the petitioners within four weeks from the date of passing such order and if the same is rejected, the petitioners would be at liberty to file appropriate proceedings in Law.

5. Insofar as prayer clause (b) is concerned, Mr.Rao, learned counsel for the respondent no.2 at this stage, states that respondent no.2 will decide the said application for grant of T.D.R. after granting personal hearing to the petitioners who should remain present before the respondent no.2 on 11th August, 2022 at 11.00 a.m. Mr.Rao, learned counsel for the respondent no.2 agrees to convey this order to the Assistant Director, Town Planning of the respondent no.2, who would render personal hearing to the petitioners for information and compliance. Learned counsel for the petitioners states that his clients would remain present at the time of hearing.

6. The writ petition is disposed off. Rule is made absolute accordingly. There shall be no order as to costs. All parties to act on the authenticated copy of this order.

(KAMAL KHATA, J.)

(R.D. DHANUKA, J.)