

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1734 OF 2021

AND

INTERIM APPLICATION NO.1735 OF 2021

IN

SUO MOTU PIL NO.1 OF 2020

The Municipal Corporation of Gr. Mumbai. ... Applicant

In the matter between

High Court on its own motion

(In the matter of Jilani Building at Bhiwandi) ...Petitioner

V/s.

Bhiwandi Nizampur Municipal Corporation & Ors. ... Respondents

Mr.Rajesh Patil with Mr.Om Suryawanshi i/b. Ms.Aruna Savla, for Applicant/
MCGM and for Respondent No.2 in SMPIL 1/2020.

Mr.Nitin Gangal with Mr.Ashok Kadam with Ms.Prerna Shukla, for
Respondent No.12-CIDCO.

Ms.Kavita N.Solunka with Mr.Mayank Mishra, for Respondent no.13 MMRDA.

Ms.Swati Sagvekar, for Respondent No.6-Vasai Virar Municipal Corporation.

Mr.A.A.Kumbhakoni, Advocate General with Mr.P.P.Kakade, GP with
Mr.B.V.Samant, AGP for the State.

Mr.Yash Tiwari, for Occupants.

**CORAM : DIPANKAR DATTA, CJ &
G.S.KULKARNI, J.**

DATE : 26 February, 2022

PC.:

1. Mr.Patil, learned Counsel for the Municipal Corporation has drawn our attention to an order dated 25 February 2022 passed by the Supreme Court in the proceedings of Special Leave Petition (Civil)

Diary No(s).3892 of 2022 (Mohammed Afzal Yusuf Rindani & Ors. Versus The Municipal Corporation for Greater Mumbai & Ors.) which was filed by the occupants of the building challenging the order passed by this Court on 05 August, 2021. By such order, the Supreme Court has dismissed the said Special Leave Petition, however while dismissing the special leave petition, the Supreme Court has accepted the request as made by the occupants/petitioners therein that they be granted four weeks time to vacate the suit premises. The order of the Supreme Court reads thus:-

“ Heard.

We find no merit in this Special Leave Petitions, which are accordingly dismissed.

However on the request of the learned counsel for the Petitioners, Petitioners are granted four weeks' further time to vacate the suit premises.

Pending applications, if any, also stand disposed of.”

2. In view of the above order passed by the Supreme Court, the above interim applications as filed by the Municipal Corporations would not survive. However, all contentions of the applicant-Municipal Corporation are expressly kept open with liberty to approach the appropriate Forum/Authority as permissible in law. The applications are accordingly disposed of. No costs.

(G.S.KULKARNI, J.)

(CHIEF JUSTICE)