

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 387 OF 2022**

Navare Nagar Co-operative Housing Federation Ltd. ... Petitioner

Versus

The State of Maharashtra and others ... Respondents

.....

Mr. Sujeet Kurup for the Petitioner.

Ms. P.N. Diwan, AGP for the State.

Mr. A.S. Rao for the Corporation.

Mr. Atul Damale, Senior Advocate alongwith Mr. Dattaram Dindikar and Mr. Bhushan Kotekar for DM Associates for Respondent Nos.6 to 8.

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CORAM : S.J. KATHAWALLA AND

MILIND N. JADHAV, JJ.

DATED : FEBRUARY 8, 2022
(through video-conferencing)

P.C. :-

1. A nine storey building has been constructed by the developer. However, the permission to construct is only upto 7th floor. We are informed by the Learned Senior Advocate appearing for the Developer that an application is made to the Corporation to sanction the revised building plan. In other words, revised permission to construct the building beyond seven floors is sought.

2. Advocate Rao appearing for the Corporation states that the representation of the Developer will be decided by the Assistant Director, Town Planning within four weeks from today. We make it clear that no further time shall be

granted to consider the representation after four weeks. The Petitioner has submitted that they are part of the entire layout and the additional construction put up by the developer without permission will affect them. In view thereof, we pass the following order :

- (i) The Assistant Director, Town Planning shall give a hearing to the parties including the Petitioner and pass a speaking order.
 - (ii) Parties shall appear before the Assistant Director, Town Planning on 10th February, 2022 at 12.00 noon and obtain necessary directions.
 - (iii) No adjournment/s shall be sought by the parties and the Assistant Director, Town Planning too shall not adjourn the matter, unless absolutely necessary.
 - (iv) All contentions of the parties are kept open.
3. The above Writ Petition is accordingly disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)