

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 4590 OF 2022
IN
WRIT PETITION NO. 2621 OF 2019**

Samudra Real Estate Pvt Ltd & Anr	...Applicant
<i>In the matter between</i>	
Samudra Real Estate Pvt Ltd & Anr	...Petitioner
<i>Versus</i>	
Union of India & Ors	...Respondents

**Mr Aspi Chinoy, Senior Advocate, with Karl Tamboly, i/b
Negandhi Shah & Himaytullah, for the Petitioner.**
**Mr YR Mishra, with NR Bubna & Upendra Lokegaonkar, Respondent
No. 1-UOI.**
Mr Abhay Patki, Addl GP, for Respondent No. 2-State.
Ms Jaya Bagwe, for Respondent No. 3-MCZMA.
Ms Sweta Shah, i/b Abhijit P Kulkarni, for Respondent No. 5.
Mr Sagar Patil, for MCGM.

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ASHWINI HULGOJI
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Date: 2022.10.21
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**CORAM G.S. Patel &
 Gauri Godse, JJ.**
DATED: 20th October 2022

PC:-

1. We have just delivered a reasoned order making Rule absolute in terms of prayer clause (c) in Writ Petition (L) No. 32454 of 2022, a fresh Writ Petition by Akshay Sthapatya.

2. The facts in the two cases are broadly similar. The present Interim Application is on the same footing as the 2022 Akshay Sthapatya petition although the project is different. It is also an SRA project in Worli in a CRZ II area. The earlier *Akshay Sthapatya* Writ Petition No. 1534 of 2019 was disposed of and even the Special Leave Petition was disposed of. The present *Samudra Real Estate* Petition remained pending.

3. There is an Interim Application No. 4590 of 2022 which seeks really the same relief as the fresh 2022 Akshay Sthapatya petition (Writ Petition (L) No. 32454 of 2022).

4. We dispose of both the present Interim Application and the present Writ Petition by this order. In the Writ Petition we issue Rule, make it returnable forthwith with the Respondents waiving service.

5. For the same reasons as we have given in Writ Petition (L) No. 32454 of 2022, and believing that the difference in dates to be immaterial, we make an order in terms of prayer clause (a) of the Interim Application. This will also be the order in the present Writ Petition and is sufficient in our view to dispose of the Petition itself.

6. The Petition and the Interim Application are disposed of accordingly.

7. For statistical and disposal purposes, the Interim Application is to be finally numbered within a week without insisting on curing filing effects.

(Gauri Godse, J)

(G. S. Patel, J)