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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

INTERIM APPLICATION NO. 4365 OF 2022

in

WRIT PETITION NO. 1824 OF 2005

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Siddhi Vinayak Co-op. Housing Society Ltd. ... Applicant
(Orig. Respdt.No.4)

In the matter between

Ashok Vinaykumar Oza ... Petitioner
V/s.

Competent Authority (ULC) and Ors. ... Respondents

Mr. Rohaan Cama with Mr. Anish Karande with Mr. Shaikh i/b.
Rohit Shetty for the Applicant/Orig. Respondent No.4

Mr. Girish Godbole with Mr. Surel Shah with Mr. Amogh Singh
with Mr. Jeet Gandhi i/b. Dhanesh Shah for the Original Petitioner

Mr. P.G. Lad with Ms. Sayali Apte with Ms. Aparna Kalathil, Shreya
Shah for the Respondent No.2 – MHADA

Ms. Vandana Mahadik for Respondent No.5 – MCGM

Mr. Milind More, Addl. G.P. for Respondent – State

Mr. Mayur Faria for Respondent Nos. 6,7 and 8

***CORAM : NITIN JAMDAR &
SHARMILA U. DESHMUKH, JJ.***

DATE : 20 OCTOBER 2022

P.C. :-

This Interim Application is taken out for the following
relief :-

“ This Hon’ble Court be pleased to modify the Order of Status Quo dated 30.07.2008 passed by this Hon’ble High Court, to the extent of carving out the Society Plot namely C.T.S. No. 5589B, Kolekalyan, Santacruz (E), Mumbai – 400 055 area admeasuring 567 Square Meters, so as to allow the Society – Respondent No.4 to develop the said Society Plot in the manner as they choose and it is prayed accordingly.”

2. When this Application came up on board on 13 October 2022, the following order came to be passed :-

“ Rule has been issued in this Writ Petition. Interim Application No. 4362/2022 is taken out for modification of the status quo. According to the Applicant, order of status quo is operative between the Applicant and the original Petitioner. However, since the main Petition is pending and the Statutory Authorities are party to the said application, their stand on the prayer made by the Applicant will also be necessary.

2. Learned Counsel for the Respondent – Statutory Authorities state that they will take written instructions from their respective clients and/or file affidavits.

3. Stand over to 20 October 2022, for ‘direction’.”

3. The learned Counsel for the Original Petitioner states that the Original Petitioner has no objection to the grant of this prayer. The Original Respondent Nos. 6,7 and 8 in the Petition gave their no objection. The learned AGP for Respondent No.3 – State of Maharashtra, states that the affidavit is filed pursuant to the

order dated 13 October 2022 and states that in view of the affidavit, the Respondent Nos. 1 and 2 also have no objection. Similar stand is taken by the Respondent No.2 – MHADA. None appears for Original Respondent No.5 – Municipal Corporation. The learned Counsel for the parties state that the Original Respondent No.5 – Municipal Corporation has no role. This statement is accepted.

4. In the light of the consensus before us regarding the grant of the prayer made in this Application, the same is allowed.

5. We make it clear that this order will not affect the rights of the parties, if any, who are not parties before us in this Application or Petition and neither this order will mean that the parties are permitted to over ride any provision of law.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.