

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6008 OF 2023

Mrs. Pooja Sharad Sawant

.Petitioner

Vs.

Panvel Municipal Corporation & Ors.

.Respondents

Ms. Jyoti Chavan for the Petitioner.

Mr. A. S. Rao for Respondent Nos.1 and 2.

Mr. Vinod Chate with Ms. Kalpana Chate i/b. Chate & Associates for
Respondent Nos.3 and 4.

CORAM : G. S. KULKARNI &
R. N. LADDHA, JJ.

DATE : MAY 03, 2023

P.C.:

1. We have heard Ms. Chavan, learned counsel for the petitioner Mr. Rao, learned counsel for the municipal corporation/respondent nos.1 and 2 and Mr. Chate, learned counsel for respondent nos.3 and 4.

2. At the outset, Mr. Rao, learned counsel for the municipal corporation has made a statement that in respect of the construction being undertaken by respondent nos.3 and 4, the municipal corporation has already issued a notice under Section 353 of the Maharashtra Regional and Town Planning Act, 1966. We also observe from the record that the petitioner has already filed a suit against respondent nos.3 and 4 being Special Civil Suit No.8 of 2023 in which an injunction application was moved which came to be rejected by the learned trial Judge by an order dated 28 February, 2023.

3. In the aforesaid circumstances, we are not inclined to entertain this writ petition. It is accordingly disposed of permitting the petitioner to raise all contentions in the pending suit, however, observing that the municipal corporation has already initiated an action. All contentions in that regard are expressly kept open.

4. All contentions of the parties in the pending proceedings are expressly kept open.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]