

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7114 OF 2023

Jayesh Gulabrao Kamdar & Ors. ...Petitioners

Versus

Navi Mumbai Municipal Corporation & Ors. ...Respondents

Dr. Sumant Bhardwaj a/w Ms. Aarti A. Shinde for Petitioners.
Mr. Tejash Dande for Respondent Nos.1 and 2.
Ms. M. P. Thakar, AGP for Respondent No.3 (State).

CORAM : SUNIL B. SHUKRE,
JITENDRA JAIN, J.J.

DATE : 15th JUNE, 2023.
(Through Hybrid Hearing)

P. C. :

1. Heard. The main ground taken in this Petition is filing of an Appeal by the State of Maharashtra against an order passed in a Petition, wherein the challenge raised is of the validity of Section 52A(1) of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act") and the order delivered in P.I.L. No.80 of 2013 together with a bunch of Writ Petitions on 2nd November 2018. However, we find that the issue involved in the P.I.L. is quite similar to the issue involved in the present Petition. That apart, there is a clear and subsequent order passed by the Apex Court in respect of the issue involved in this Petition and in this order dated 23rd November 2022,

the Apex Court has made it clear that it is not inclined to interfere with the impugned Judgment and Order passed by this Court in Writ Petition No.13662 of 2016 dated 3rd July 2017 and has only granted time of six months to these Petitioners to vacate the premises in question. It is pertinent to note here that these Petitioners had earlier filed Writ Petition No.13662 of 2016 and this Petition was dismissed by the coordinate bench of this Court as per its judgment dated 3rd July 2017. While dismissing the Petition, the Court has taken on record the undertakings given by these Petitioners which were to the effect that the Petitioners together with their family members would vacate the premises in their respective possession within a period of 12 months from the date of the undertakings, irrespective of the outcome of the application made for regularization.

2. Such being the facts of the case, we are not inclined to entertain this Writ Petition. The Writ Petition stands summarily dismissed.

[JITENDRA JAIN, J.]

[SUNIL B. SHUKRE, J.]