

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6607 OF 2024

New Shree Swami Samarth Borivade

Housing Company Private Limited & Anr.

... Petitioners

V/s.

Thane Municipal Corporation & Ors.

... Respondents

Mr. Kunal Dwarkadas a/w Mr. Karan Bhide a/w Mr. Nilesh Tated, Ms. Sharanya Mahimtura i/by Mahimtura & Company for the Petitioners.

Mr. N. R. Bubna (through Video Conferencing) a/w Mr. Anand Kulkarni for Respondent Nos.1 and 2.

Ms. Mrinal Shelar for Respondent No.3.

**CORAM : ARIF S. DOCTOR &
SOMASEKHAR SUNDARESAN, JJ.**

**DATE : 21ST MAY 2024
[VACATION COURT]**

P.C. :

1. Mr. Dwarkadas, Learned Counsel appearing on behalf of the Petitioners submit that the Petitioners have been granted liberty to move the Vacation Court and it is thus the circulation was applied for and was granted.

2. On a query from the court as to what if any were the changed circumstances from the previous date, which necessitated urgent orders, Mr. Dwarkadas fairly submitted that there were no changed circumstances. However, he submitted that since the construction was being illegally carried out by Respondent Nos.3 to 9 on the plot in question, which he submitted was owned by the Petitioners and that the Respondent Authorities were turning a blind eye. He submitted that all that was presently being sought for, was sought for issuance of a show-cause notice by Respondent No.2 to Respondent Nos.3 to 9 calling upon them to show cause as to on the basis of what permissions, the construction was being carried out.

3. Mr. Bubna, Learned Counsel appearing on behalf of Respondent Nos.1 and 2 has pointed out that the Petitioners have already filed a Civil Suit in respect of the very same plot of land and the construction which is being carried out thereon. This was not disputed by Mr. Dwarkadas.

4. Hence given the above, we find that there is no change in circumstances, which warrants any urgent orders from the Vacation Court. Hence, place the matter before the regular Court.

(SOMASEKHAR SUNDARESAN, J.)

(ARIF S. DOCTOR, J.)