

Ms. Yogita i/b. Aafreen S. Shaikh, for the Petitioner.
Ms. S.S. Bhende, AGP, for the Respondent No.3.

DATE : 22 NOVEMBER 2024

1. Issue notice to the Respondent Nos.1 and 2 returnable on 6 December 2024.
2. In addition to the Court notice, Advocate for the petitioner is permitted to serve the respondents by private service by all permissible modes and place on record affidavit of service.
3. In the event despite service, respondent Nos.1 and 2 are not represented, the Court shall proceed to hear the petitioner and pass appropriate orders. The short issue which falls for consideration is whether by communication dated 23 July 2024 respondent No.1 can foist on the petitioner FSI and not monetary compensation, as according to the petitioner, this would be in the teeth of the decision of the Full Bench of

this Court in *Shree Vinayak Builders and Developers, Nagpur vs. State of Maharashtra & Ors.*¹ and followed by the subsequent decisions of this Court in WP(L)/9118/2024 (*Our Lady of Immaculate Conception Church vs. Municipal Corporation of Greater Mumbai & Ors.*²).

4. Let reply affidavit to the petition be placed on record on or before the adjourned date of hearing.
5. Stand over to **6 December 2024 High on Board.**
6. Till the adjourned date of hearing, no coercive action against the petitioner be taken unless leave is taken by the Court by respondent Nos.1 and 2.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

1. 2022(4) Mh.L.J. 739

2. Writ Petition (L) No.9118 of 2024