

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12778 OF 2024

Vikas Mishra & Anr ...Petitioners

Versus

Managing Director City and Industrial ...Respondents
Development & Ors

WITH
WRIT PETITION NO. 12896 OF 2024

Rajesh Gaikwad & Ors ...Petitioners

Versus

Managing Director City and Industrial ...Respondents
Development & Ors

Mr Pankaj Savant, Senior Advocate, with Aliabbas Delhiwala,
Anirudh Bhalwal & Sabir Merchant, i/b Vyas & Bhalwal, for
the Petitioners in both matters.

Mr Tejesh Dande, for the Respondent–Corporation in both matters.

Mr AA Alaspurkar, AGP, for the Respondent–State.

Mr Nitesh Rangari, i/b Rohit Sakhadeo, for Respondent No. 1 in
WP/12896/2024.

Mr Ravindra S Pachundkar, for Respondent No. 2 in
WP/12778/2024.

Ms SS Bhende, AGP, for Respondent No. 5–State.

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CORAM: M.S. Sonak &
Kamal Khata, JJ
DATED: 18th September 2024

PC:-

1. Mr Nitesh Gangare, learned Counsel, appears for CIDCO in connected Writ Petition No.12896 of 2024, but he says that he has no instructions to appear in this Writ Petition, i.e., Writ Petition No. 12778 of 2024.
2. Even in the connected Writ Petition, Mr Nitesh Gangare seeks an adjournment that senior is unavailable.
3. By way of an ad-interim relief, the Respondents are directed to earmark a commercial area of 615 sq ft in each of the Petitions and not allot the same to any party until the next date.
4. If CIDCO and other Respondents wish to file a Reply, they should file and serve such a Reply on or before 27 September 2024.
5. The above ad-interim relief is granted because the learned Counsel for CIDCO cannot make any statement. Mr Sawant learned Counsel for the Petitioners, submits that the Petitioners were occupying commercial premises, and what is offered by way of rehabilitation is only residential premises. He submitted that if, in the meantime, all commercial premises are disposed of, grave prejudice would be caused to the Petitioners.

6. After this order was dictated, Mr Tejas Dande stated that he had instructions to appear on behalf of Navi Mumbai Municipal Corporation. At his request, list Writ Petition (Stamp) No. 25741 of 2024 along with these Petitions.

7. Mr Sawant states that there is yet another connected Writ Petition involving the same issue i.e. Writ Petition (ST) No. 16589 of 2024. Even this matter should be listed along with these matters.

8. List all these matters on 3rd October 2024.

(Kamal Khata, J)

(M.S. Sonak, J)