



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17319 OF 2024

Unnat Nagar Division 3 CSHL and Anr.

... Petitioners.

Versus

State of Maharashtra and Ors.

... Respondents.

Dr. Abhinav Chandrachud i/by Mr. Abhishek Patil for the Petitioners.
Mr.G.S.Godbole, Senior Advocate a/w. Mr.Kaustubh Thipsay i/by
Ms.Deepashikha Godbole for the Respondent Nos.4 and 5.
Mr. P.V. Nelson-Rajan, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 03, 2024

P. C. :

1. By the present Petition, the challenge is to the order of bifurcation of two Societies i.e. Respondent Nos.4 and 5 from the main Society. Mr.Godbole, learned Senior Advocate appearing for the Respondent Nos.4 and 5 seeks time to file his affidavit-in-reply.
2. Dr.Chandrachud, learned counsel appearing for the Petitioners would press for ad-interim relief in the meantime. Pointing out to prayer clauses (b) and (c), he submits that by way of interim relief, the effect of the impugned order i.e. 18th September, 2024 be stayed.

3. Mr.Godbole would oppose the grant of ad-interim relief and would submit that the order of 18th September, 2024 has already been implemented and the bifurcation is completed and that after bifurcation of the Societies, the Respondent Nos.4 and 5 have already invested a sum of Rs.10 Crores for permissions from MHADA for self redevelopment, which sanctions and the permissions are subject matter of challenge by the Petitioners, before the Division Bench of this Court. He submits that there is no interim stay which has been granted by the Division Bench.

4. Dr. Chandrachud would counter the submissions and would submit that before the Division Bench, the present impugned order as regards the bifurcation of the Societies is not under challenge and by way of ad-interim relief stay of the said order is being sought so that no further effect is given to the impugned order in any manner whatsoever.

5. Considering that the order of 18th September, 2024 has already been implemented resulting in bifurcation of Respondent Nos.4 and 5-Societies from the main Society, there is no question of staying the impugned order dated 18th September, 2024.

6. Further as far as prayer clause (c) which seeks to restrain the Respondent Nos.4 and 5 from acting upon the order dated 18th September, 2024, it is an undisputed position that pursuant to the bifurcation, further steps have been taken for self redevelopment in which considerable funds have been expended by the Respondent Nos.4 and 5-Societies, which permissions are under consideration of the Division Bench. There is no relief granted by Division Bench staying the permissions granted by the concerned authorities. The only effect of bifurcation of the societies would be further re-development by the bifurcated Societies, which is sought to be curtailed by seeking ad-interim relief. As the Division Bench is already seized of the matter, *prima facie*, at this stage, ad-interim relief cannot be granted.

7. Let the affidavit-in-reply be filed by the Respondent Nos.4 and 5 within a period of one week from today. Rejoinder, if any, to be filed within a period of one week thereafter. List the Petition on **19th December, 2024.**

[Sharmila U. Deshmukh, J.]