

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.492 OF 2024
a/w
INTERIM APPLICATION NO.10063 OF 2024
IN
APPEAL FROM ORDER NO.492 OF 2024

Manoj Jainath Yadav and another	]	Appellants
Vs.		
Mumbai Metropolitan Region	]	
Development Authority	]	Respondent

.....

Mr. Drupad Patil a/w Mr. Dhananjay R. Singh i/b Mr. Shailesh Kumar Rai, for Appellants.

Mr. Akshay Shinde, for Respondent – M.M.R.D.A.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th July, 2024.

P.C.

1. Heard learned Counsel for the parties.

2. Perused the impugned order dated 21st June, 2024 passed by the learned Judge, City Civil Court, Dindoshi rejecting the ad-

interim relief to the appellants pursuant to a notice issued by the respondent under Section 53 of the Maharashtra Regional and Town Planning Act 1966 (for short “M.R.T.P Act”) dated 10th April, 2024.

3. Learned Counsel for the appellants invites my attention to an order dated 12th June, 2024 passed by the respondent – Mumbai Metropolitan Region Development Authority (for short “M.M.R.D.A”) which had considered all the documents placed before it by the appellants in order to substantiate their contention that the suit structure is authorized which also has a census certificate issued on 21st December, 1978. Nevertheless, the Authority observed that the appellants failed to produce documents in respect of alleged construction permission or repairs of the suit premises by them.

4. On the other hand, learned Counsel for the respondent invites my attention to the notice issued by the MMRDA under Section 53 (1) of the M.R.T.P Act.

5. Without stating anything on the merits of the speaking order passed by the respondent – Authority and having perused the impugned order passed by the learned Trial Judge on 21st June, 2024, the parties are relegated to the Trial Court to get the Notice of Motion decided on its own merits as expeditiously as possible.

6. The Appeal From Order, as such, stands disposed of with a direction to the Trial Court to give due opportunity to the respective parties and decide the Notice of Motion within two weeks from the date of passing of this order.

7. Needless to state that this Court has not expressed any opinion on the merits and demerits of the matter in question.

8. All the rights and contentions of the respective parties are kept open.

9. The respondent – MMRDA shall not take any coercive steps *qua* the suit structure till Notice of Motion is decided by the Trial Court.

10. In view of disposal of the Appeal from Order, Interim Application, also stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]