

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.720 OF 2024
WITH
INTERIM APPLICATION NO.13862 OF 2024**

Manoj Jainath Yadav & Anr. ...Appellants
vs.
Mumbai Metropolitan Region
Development Authority ...Respondent

Mr. Girish Kulkarni with Drupad S. Patil with D. R. Singh i/b Mr.
Shailesh Rai for the Appellants.
Mr. Vikram N. Walawalkar for the Respondent.

CORAM : SHYAM C. CHANDAK, J.

DATED : 17th OCTOBER, 2024

P. C. :

. Heard learned Counsel for the Appellants and learned
Counsel for the Respondent.

2) The aforesaid Appeal impugning the Order dated 6th
September 2024, passed by the learned Judge, City Civil and
Sessions Court, Borivali Division, Dindoshi in Notice of Motion
No.1943 of 2024 in L.C. Suit No.998 of 2024, thereby dismissing the
said Notice of Motion.

3) After hearing aforesaid Appeal and Interim Application,
it transpires that a census certificate referred as document No.1 is not

considered in the body of the reasons, before passing the impugned speaking Order.

4) Learned Counsel for the Appellants submits that, if the Respondent is ready to inquire in the matter afresh in the light of census certificate and pass a fresh speaking Order, the Appellants would withdraw the Appeal, provided the Respondent does not take coercive steps against the suit structure. Learned Counsel for the Respondent, on instructions, agrees for the same.

5) In view of above, Appeal is liable to be disposed, accordingly. Hence, following order :-

ORDER

- (a) The Respondent shall make a fresh inquiry under Section 53 of the MRTP Act and the relevant provisions. During said inquiry, the Respondent shall consider all the documents that Appellant has earlier filed alongwith his reply.
- (b) Said inquiry shall be completed within one month from the date of this Order and a fresh speaking order be passed, accordingly.
- (c) In case, the speaking Order is adverse to the suit structure, the Respondent shall not take coercive steps against the suit structure for a period of three weeks from the date of

said adverse Order, so as to provide sufficient time to the Appellants to challenge the said speaking Order in the aforesaid suit, after carrying out necessary amendment.

(d) The speaking order passed by the Respondent be served on the Appellants within one week from the date of passing said order.

4) Appeal stands disposed of in the aforesaid terms. Consequently. Interim Application No.13862 of 2024 is also disposed of.

[SHYAM C. CHANDAK, J.]