

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11338 OF 2024

Swapna Katrick Chatterjee ...Petitioner
Versus
Thane Municipal Corporation & Ors. ...Respondents

Ms. Puja Bhatta a/w. Sanya Dubey, for Petitioner.

AGP P. Sulbha Chipade, for State.

CORAM : SOMASEKHAR SUNDARESAN, J.
Date : November 10, 2025

ORDER :

1. The grievance in this writ petition is that by an order dated January 30, 2024, an earlier order dated May 3, 2023 has been recalled simply on the premise that the agreement in respect of Flat No. 102 referred to in earlier order has not been executed.

2. It is true that paragraph 5 of the order dated May 3, 2023 provided that failure to execute a registered agreement or failure to hand over the possession of the flat would lead to a recall of that order. The Impugned Order simply recalls the earlier order without going into why the agreement has not been executed so far, whereas the grievance of the Petitioner has specifically been that the Petitioner is not being

given *pari passu* treatment with other members of the society in the draft presented for execution.

3. On the face of it, it is apparent that the Petitioner set out a comparison of the said discrimination meted out to the Petitioner in a reply to an application filed by the Original Defendant No. 2, seeking recall of the order dated May 3, 2023. The impugned order makes no reference to the reasons set out therein. It simply states that the order is recalled in view of the agreement not having been executed.

4. It would be necessary to hear the say of Original Defendant No. 2, who is not in Court today. To enable Defendant No. 2 to present its say, stand over to ***November 24, 2025***.

5. Meanwhile, as an *ad-interim* measure, the effect and operation of the impugned order dated January 30, 2024, shall be stayed.

6. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]