ITEM NO.5 COURT NO.11 SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12838/2008

(From the judgement and order dated 30/04/2008 in PIL No. 52/2001 of The HIGH COURT OF BOMBAY)

STATE OF MAHARASHTRA & ORS. Petitioner(s)

VERSUS

SHYAMSUNDER HARIBHAU POTARE & ORS. Respondent(s)

(With prayer for interim relief )
WITH
SLP(C) NO. 16998-16999 of 2008
(With appn.(s) for C/delay in filing SLP and office report)

Date: 16/07/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Chinmay Khaladkar,Adv.
Mr. Sanjay Kharde,Adv.
Mrs. Asha G. Nair,Adv.

For Respondent(s) Mr. Gautam Godara,Adv.
Mr. Gopal Balwant Sathe,Adv.
Mr. Milen Mahapatra,Adv.

Mr. Vinay Navare,Adv.
Ms. Abha R. Sharma ,Adv

Dr. Kailash Chand ,Adv
Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

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Heard learned counsel for the parties and perused the record. In our view, the impugned orders passed by the High Court do not suffer from any legal infirmity warranting interference under Article 136 of the Constitution because the petitioners did not produce any evidence before the High Court to show that the disputed construction was raised after obtaining permission from the competent authority for change of land use.

The special leave petitions are accordingly dismissed.

The interim orders passed earlier shall stand automatically vacated.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master