

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).20279/2013

(From the judgement and order dated 13/05/2013 in PILP No.43/2012 of The HIGH COURT OF BOMBAY)

JANHIT MANCH & ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief and office report)

Date: 11/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Shekhar Naphde, Sr.Adv.
Mr. Anirudh Joshi, Adv.
Ms. Garima Prashad, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr.Adv.
Mr. Dhebal Banerjee, Sr.Adv.
Mr. Saurabh Agarwal, Adv.
Mr. Jaiveer Shergil, Adv.
Mr. Lalit Katariya, Adv.
Ms. Ruby Singh Ahuja, Adv.
Ms. Deepti Sari, Adv.
Ms. Anisha Mitra, Adv.
M/S. Karanjawala & Co.

Ms. Asha Gopalan Nair, Adv.

R.2-4 Mr. Goolam E. Vahanvati, AG
Mr R.P. Bhatt, Sr.Adv.
Mr. J.J. Xavier, Adv.
Mr. S. Sukumaran, Adv.
Mr. Anand Sukumar, Adv.
Mr. Bhupesh Kumar Pathak, Adv.
Ms. Meera Mathur, Adv.

UPON hearing counsel the Court made the following
O R D E R

After some arguments, it appears that the parties have arrived at a consensus to the effect that the writ petition pending in the High Court challenging the order of the Municipal Commissioner would sufficiently address the contentious issues between the respondent no. 2 and respondent no. 5.

However, there is a serious concern about the observations made by the High Court in the impugned judgment and order which states that the issue regarding the Commencement Certificate and approval of the sanctioned plan stands settled which need not be gone into in regard to which it has been submitted that this Court should make an observation that the High Court will decide the

pending writ petition without being influenced by the observation of the High Court made earlier regarding settlement of the issue relating to the Commencement Certificate and sanctioned plan in any manner as the said observation will prejudice the pending issue between the respondent no. 2 and 5.

We deem it appropriate that the parties should express their stand explicitly in this regard by way of an additional affidavit in order to facilitate the disposal of the matter.

The required affidavit be filed by all the concerned parties by 24.03.2014 and the matter be posted again on 25.03.2014.

(NAVEEN KUMAR)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER