

ITEM NO.48

COURT NO.6

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).24350/2010

(From the judgement and order dated 07/06/2010 in WP No.1731/2009  
of The HIGH COURT OF BOMBAY)

DADAR SAIPRASAD COOP.HNG.SOCIETY MUMBAI Petitioner(s)

VERSUS

SHREE VARDHAMAN STANAKVASI J.S.SANGH&amp;ORS Respondent(s)

(With appln(s) for directions and permission to file additional  
documents and with prayer for interim relief and office report)  
WITH SLP(C) NO. 25418 of 2010  
(With prayer for interim relief and office report)  
SLP(C) NO. 29548 of 2010  
(With office report)

Date: 14/10/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Ashok Desai, Sr.Adv.  
In SLP(C)25418/10 Mr.Shyam Divan, Sr.Adv.  
& for RR in SLP(C) Mr.Aniruddha Joshi, Adv.  
No.24350/10 & Mr.Manish Pitale, Adv.  
29548/10 Mr.Wasi Haider, Adv.  
Mr. Chander Shekhar Ashri, Adv.

IN SLP(C)24350/10 Mr.Shekhar Naphade, Sr.Adv.  
& for RR in SLP(C) Mr.Vinay Navare, Adv.  
25418/10 and Mr.Keshav Ranjan, Adv.  
29548/10 Ms. Abha R. Sharma,Adv.

IN SLP(C)29548/10 Mr.Mukul Rohatgi, Sr.Adv.  
Mr.Aman Vachher, Adv.  
Mr.Mukesh Chhada, Adv.  
Mr.Dhiraj, Adv.  
Mr. P.N. Puri, Adv.

For Respondent(s)  
IN SLP(C)24350/10 Mr.Dushyant Dave, Sr.Adv.  
& SLP(C)25418/10 Mr.Aman Vachher, Adv.  
Mr.Mukesh Chhada, Adv.  
Mr.Dhiraj, Adv.  
Mr. P.N. Puri, Adv.

2

Mr.Arvind Savant, Sr.Adv.  
Ms.Nishtha Kumar, Adv.  
Mrs.Suchitra Atul Chitale,Adv.

In SLP(C) Nos. Mr.Vinay Navare, Adv.  
25418/10 and Mr.Keshav Ranjan, Adv.  
29548/10 Ms. Abha R. Sharma,Adv.

Mr. Chander Shekhar Ashri,Adv.

Mr.Chinmoy A.Khaladkar, Adv.  
Mr.Sanjay V.Kharde, Adv.

Ms. Asha Gopalan Nair, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Senthil Jagadeesan, Adv.

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

These petitions are directed against order dated 07.06.2010 of the Division Bench of the Bombay High Court, whereby a direction was issued that no development can be carried out over the property in dispute till such time the scheme is brought in conformity with the plan prepared under Section 92 of the Maharashtra Regional and Town Planning Act.

Learned senior counsel appearing for the parties agree that the matter be remitted to the High Court with liberty to the parties to file further affidavits and documents and make their respective submissions and the High Court may be asked to decide the issue of interim relief afresh uninfluenced by the observations made in the impugned order.

In view of the statement made by the learned counsel, the special leave petitions are disposed of with the following directions:

3

1. The case is remitted to the High Court for deciding the issue of interim relief afresh.
2. The parties may file additional affidavits and documents within a period of six weeks from today.
3. The concerned Bench shall hear all the parties on the issue of interim relief and pass fresh speaking order without being influenced by any observations made in the impugned order.

Since the litigation is pending for sufficiently long time, we request the High Court to make an endeavour to decide the issue of interim relief within a maximum period of four months.

A copy of this order be sent to the Registrar General of the Bombay High Court by fax.

(Satish K. Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master