

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A.No.3  
IN  
CIVIL APPEAL No.3527 OF 2010

MUNICIPAL CORP.OF GREATER MUMBAI & ORS. . . . .APPELLANTS

VERSUS

SURAIYA AKBARALI JETHA & ORS. . . . .RESPONDENTS

WITH  
I.A.No.4  
IN  
CIVIL APPEAL No.3528 OF 2010

O R D E R

These appeals are directed against judgments of the Division Bench of the Bombay High Court whereby the writ petitions filed by the respondents for declaring that reservation of their land under the Maharashtra Regional and Town Planning Act, 1966 (for short, 'the 1966 Act') has lapsed on account of non-acquisition thereof after six months of service of purchase notice were allowed.

Notices of the special leave petitions out of which these appeals arise were issued because of pendency of similar matter before the larger Bench.

Now, the respondents have filed I.A.Nos.3 and 4 for disposal of the appeals in terms of the judgment of three Judge Bench in Shrirampur Municipal Council, Shrirampur vs. Satyabhamabai Bhimaji Dawkher and others (2013) 5 SCC 627.

Although, Shri R.P.Bhatt, learned senior counsel appearing for the appellants made a request that hearing of the appeals may be postponed to enable him to ascertain the applicability of the judgment in Shrirampur Municipal Council's case to the facts of these appeals but having gone through the impugned judgments and the record of the case, we are convinced that the matters are squarely covered by the ratio of the judgment in Shrirampur Municipal Council, Shrirampur vs. Satyabhamabai Bhimaji Dawkher and others (supra) and another judgment of this Court in Poona Timber Merchants and Saw Mill Owners Association vs. State of Maharashtra and others JT 2013 (11) SC 315 : 2013 (10) SCALE 145.

In view of the law laid down in the aforementioned two judgments the appeals are dismissed.

As a sequel to dismissal of the appeals, the IAs are disposed of.

It is needless to say that the appellants and the State of Maharashtra shall be free to initiate proceedings for the acquisition of the land in question afresh and take appropriate decision in accordance with law.

.....J.  
(G.S.SINGHVI)

.....J.  
(C.NAGAPPAN)

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
I.A.No.3 IN CIVIL APPEAL NO(s). 3527 OF 2010

MUNICIPAL CORP.OF GREATER MUMBAI & ORS. Appellant (s)

VERSUS

SURAIYA AKBARALI JETHA & ORS. Respondent(s)

(With appln(s) for directions and office report)

WITH

I.A.No.4 In Civil Appeal NO. 3528 of 2010

(With appln.(s) for directions office report)

Date: 10/12/2013 These I.As were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr.Ramesh P.Bhatt, Sr.Adv.  
Mr.Atul Y.Chitale, Sr.Adv.  
Mr.J.J.Xavier, Adv.  
Mrs.U.H.Deshpande, Adv.  
Ms.Sanyukta Mukherjee, Adv.  
Mrs.Suchitra Atul Chitale, Adv.

For Respondent(s) Mr.Uday U.Lalit, Sr.Adv.  
Mr.V.Y.Sanglikar, Adv.  
Mr.Satyajit A.Desai, Adv.  
Ms. Anagha S.Desai, Adv.  
Mr.Vikas Giri, Adv.

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

The appeals are dismissed in terms of the signed order.

As a sequel to dismissal of the appeals, the IAs are disposed  
of.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Assistant Registrar

( Signed order is placed on the file )