

ITEM NO.30+65

COURT NO.8

SECTION IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30249/2008

(From the judgement and order dated 12/06/2008 in WP No. 1067/2007
of The HIGH COURT OF BOMBAY)

MUNICIPAL CORP.OF GREATER MUMBAI & ORS.

Petitioner(s)

VERSUS

SURAIYA AKBARALI JETHA & ORS.

Respondent(s)

(With prayer for interim relief)

WITH SLP(C) NO. 30641 of 2008

(With prayer for interim relief and office report)

Date: 05/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Atul Y. Chitale, Adv.

Mrs.Suchitra Atul Chitale,Adv.

Ms. Sunaina Dutta, Adv.

For Respondent(s)

Mr. U.U. Lalit, Sr.Adv.

Mr. V.Y. Sanglikar, Adv.

Mr. Satyajit A. Desai, Adv.

Ms. Anagha S.Desai,Adv.

UPON hearing counsel the Court made the following

ORDER

The High Court has relied on the decision in Girnar Traders, 2007(5) SCC 555. We are informed that in Poona Timber Merchants and Saw Mill Owners Association vs. State of Maharashtra and others, 2008(5) SCR 547 all issues including interpretation of Sections 126 and 127 of the Maharashtra Regional and Town Planning Act, 1966 have been referred to a larger Bench.

Hence issue notice.

Ms. Anagha S. Desai, learned counsel appears for respondent

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Nos.1 to 4 in both cases and waives notice. Counter-affidavit, if any, to be filed within six weeks.

SLP(C)Nos.30249/08 and 30641/08

Interim direction restraining respondents 1 to 4 not to put up any construction or alter the nature of the land or create any third party rights. Respondents 1 to 4 will however be entitled to apply for and seek processing of application for building plans.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER