

ITEM NO.11

COURT NO.5

SECTION IX

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 (C) No(s).7882/2015

(Arising out of impugned final judgment and order dated 20-02-2015 in AN No. 672/2014 passed by the High Court of Bombay)

ASHOK DATTATRAY KULKARNI (CHIEF PROMOTER APNA GHAR  
COOPERATIVE HOUSING SOCIETY (PROP) & ORS.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA AND ORS.

Respondent(s)

Date : 04-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s)      Mr. Shanti Bhushan, Sr. Adv.  
                                 Ms. Kamini Jaiswal, Adv.  
                                 Mr. Rohit Kr. Singh, Adv.  
                                 Mr. K. Seth, Adv.  
                                 Mr. Satish Vig, AOR

For Respondent(s)      Mr. Arun R. Pedneker, Adv.

Mr. Shiv Sagar Tiwari, AOR

Mr. Kapil Sibal, Sr. Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Abhinav Agrawal, Adv.  
Ms. Devika Mohan, Adv.  
Mr. E. C. Agrawala, AOR  
Mr. Aditya Shiralkar, Adv.

Mr. Chirag M. Shroff, AOR  
Ms. Sarika Soam, Adv.  
Ms. Neha Sangwan, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Sajan Povyya, Sr. Adv.  
Mr. Aditya Shiralkar, Adv.  
Mr. Neel Kamal Mishra, Adv.  
Mr. Tanmaya Agarwal, AOR

Mr. Sajan Poovayya, Sr. Adv.  
Mr. Saransh Jain, Adv.

Mr. Pratibhanu S. Khrola, Adv.  
Mr. Amit Mehta, Adv.  
Mr. Jatin Zaveri, Adv.  
Mr. Kush Chaturvedi, AOR

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

Our attention has been drawn to an order passed by this Court which appears on page 106 of the paper book which is to the following effect:

"Post it after four weeks for final disposal on non-miscellaneous day. In the meantime, issue notice indicating as to why the matter be not heard and disposed of finally.

Status quo shall remain effective until further order on the land in question which is allotted to Apna Ghar Cooperative Housing Society through the petitioner - Chief Promoter (Proposed)."

The High Court took note of this order when it passed the impugned order on 20<sup>th</sup> February, 2015. Subsequent to that date, the special leave petition which relates to the above interim order was dismissed by this Court by an order dated 3<sup>rd</sup> April, 2017.

By the impugned order, the High Court has, *inter alia*, declined to grant any interim relief to the petitioners but had continued the interim order that it had earlier passed till the matter is taken up for consideration by this Court.

We have heard learned counsel for the parties and in view of the fact that the earlier special leave petitions filed by the petitioner(s), being SLP(C) No.33361 of 2013

along with a batch of other connected special leave petitions, have been dismissed, we are not inclined to continue with the interim order of maintaining *status quo*.

It has been brought to our notice that independently an interim order has been passed in this special leave petition, being SLP(C) No.7882 of 2015. While that may be so, but since all connected special leave petitions have been dismissed, we do not think it appropriate to continue with the interim order. The interim order is, thus, vacated.

We are told that in the suit pending in the High Court, written statement has been filed a couple of days ago. The High Court may proceed with the suit in accordance with law taking note of these developments and mould the final relief, if it is necessary.

List the matter on 10<sup>th</sup> August, 2017. In the meanwhile, pleadings be completed.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SHARDA KAPOOR)  
ASSISTANT REGISTRAR