

ITEM NO.37

COURT NO.3
(HEARING THROUGH VIDEO CONFERENCING)

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 for Special Leave to Appeal (C) No.4830/2021
(Arising out of impugned final judgment and order dated 09-03-2021
in WPST No.98466/2020 passed by the High Court Of Judicature At
Bombay)

BALU WALKU BHOIR

Petitioner(s)

VERSUS

KALYAN DOMBIVALI MUNICIPAL CORPORATION & ORS.

Respondent(s)

(FOR ADMISSION and I.R.; IA No.42237/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.42239/2021 - FOR
EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No.4871/2021 (IX)

(FOR ADMISSION and I.R.; IA No.42490/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.42492/2021 - FOR
EXEMPTION FROM FILING O.T.)

SLP(C) No.4803/2021 (IX)

(FOR ADMISSION and I.R.; IA No.42054/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.42055/2021 - FOR
EXEMPTION FROM FILING O.T.)

SLP(C) No.4842/2021 (IX)

(FOR ADMISSION and I.R.; IA No.42302/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.42303/2021 - FOR
EXEMPTION FROM FILING O.T.)

SLP(C) No.4913/2021 (IX)

(FOR ADMISSION and I.R.; IA No.42910/2021 - FOR EXEMPTION FROM
FILING C/C OF THE IMPUGNED JUDGMENT; and, IA No.42913/2021 - FOR
EXEMPTION FROM FILING O.T.)

Date : 22-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Abhay Anil Anturkar, Adv.
Mr. Abhikalp Pratap Singh, AOR

For Respondent(s)

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

Mr. Abhay Anil Anturkar, learned Advocate appearing in support of these petitions has invited our attention to Section 212 of the Maharashtra Municipal Corporation Act, 1949. He has submitted that Clauses (a) and (b) of sub-section (1) of Section 212 had earlier been construed by a Division Bench of the High Court; and that the interpretation of said provisions in the present matter is opposed to the construction accepted on the earlier occasion.

With the able assistance of the learned counsel, we have gone through the relevant provisions as well as the view taken by the High Court.

We do not see any reason to interfere in these matters.

It is submitted by the learned counsel that interim relief which was in operation during the pendency of the proceedings before the High Court, will expire tomorrow. Considering the peculiar circumstances on record, we extend the interim relief for a further period of eight weeks.

We also direct that the issue of compensation payable to the petitioners shall be dealt with and decided by the concerned authorities as early as possible and preferably within six months from today.

The Special Leave Petitions are, accordingly, dismissed.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER