

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.1516 OF 2014
IN
SECOND APPEAL NO.353 OF 2008

Surendra M. Uppal

...Applicant

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. Shishir Joshi i/b. M/s. Chitnis Vaity & Co. for the Applicant.
Mr. S. M. Kamble for the Respondent BMC

CORAM : K. K. TATED, J.
DATE : DECEMBER 24, 2014

PC.:

1. Heard. The learned counsel for Respondent Nos.4 and 5 filed their Affidavit-in-Reply dated 23/12/2014. Same is taken on record.
2. Respondent No.4 and 5, in paragraph 6 of their Affidavit-in-Reply stated that if the Applicant files an Application for permission to lay down a fencing and for construction of a compound wall around the suit property under the provisions of the Maharashtra Regional and Town Planning Act, 1966, the Respondent Corporation will decide the same on its own merits according to law.
3. In view of the statement made by the learned counsel for Respondent Nos.4 and 5 in their Affidavit-in-Reply dated 27/12/2014, the learned counsel for the Applicant seeks permission to withdraw the present Civil Application with liberty to file an appropriate Application

before the corporation for permission to lay down the fencing work and for construction of compound wall around the suit property. Hence, the following order :

a) The Applicant is permitted to make an appropriate Application to the Corporation as per the provisions of the Maharashtra Regional and Town Planning Act, 1966 for permission to lay down fencing work and for construction of a compound wall around the suit property.

b) If an Application is made by the Applicant, the Respondent corporation is directed to decide the said Application within four weeks from the date of receipt of the such Application and communicate the order in writing to the Applicant.

c) Liberty granted to the Applicant to take appropriate steps in case order goes against them.

d) Civil Application stands dismissed as withdrawn with liberty as prayed for.

e) The Applicant is permitted to put up and/or erect a notice board on the suit property indicating that the suit property is subject matter of the litigation.

JUDGE