

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9406 OF 2014

Satish Govind Gondkar and others

Petitioners

V E R S U S

The State of Maharashtra and others

Respondents

Mr. S.B. Talekar, Advocate for the petitioners
Mr. U.S. Mote, AGP, for respondent nos.1 to 4/State
Mr. A.R. Sarlve, Advocate for respondent no.5
Mr. D.P. Palodkar, Advocate for respondent no.6
Mr. A.V. Hon, Advocate for respondent no.8

CORAM : A. V. NIRGUDE &

V. K. JADHAV, JJ.

DATE : 13th February, 2015

PER COURT :

1. After hearing the submissions on the petition and after we expressed our view, the learned counsel for the petitioners seeks permission to withdraw the petition. Permission is granted. The petitioners are given liberty to take further action for getting the land in question de-reserved. Learned counsel for the petitioners also contended that his clients be permitted to treat this petition under Section 127 of the Maharashtra Regional and Town Planning Act, 1966. We are not inclined to give any finding on this submission as it is not only outside the scope of this petition, but we quite see possibility of such stand

being taken in subsequent litigation. Nonetheless we are inclined to expect the petitioners to issue fresh notice under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 to the appropriate authority as contemplated under Section 177 read with Section 136 of the Maharashtra Regional and Town Planning Act so as to leave no doubt about the compliance of Section 127 of the Maharashtra Regional and Town Planning Act. The Writ Petition stands disposed of accordingly.

(**V.K. JADHAV, J.**)

(**A.V. NIRGUDE, J.**)