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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.11331 OF 2014

Dipak Dnyandev Dambal & Anr. ...Petitioners
vs.
State of Maharashtra & Ors. ...Respondents

Mr.M.S.Karnik i/b Mr.P.P.Kulkarni for the
Petitioners
Ms M.P.Thakur, AGP for the respondent No.1
Mr.Akshay Shinde for respondent No.2
Mr.Umesh Mankapure for respondent Nos.4 to 9.

CORAM : A.S.OKA, &
G.S.PATEL, JJ.
DATE : DECEMBER 16, 2015

P.C.:

1 The learned counsel for the petitioners states that the issue of title to the plot No.29 is the subject matter of Civil Appeal No.75 of 2009 which is pending in the District Court. He states that therefore, at this stage, he is not pressing this petition. He states that if the petitioners find that the construction carried out by the concerned respondents is contrary to the sanctioned plan, a liberty may be granted to the petitioners to make appropriate representation to the second respondent.

2 Accordingly, we dispose of the writ petition by passing the following order:

(I) Writ petition is disposed of as withdrawn
and All contentions of the parties in the

pending Civil Appeal No.75 of 2009 are expressly kept open;

(II) Disposal of this writ petition will not prevent the petitioners from making a representation to the second respondent if according to the petitioners, the fourth to seventh respondents have carried out construction which is contrary to the sanctioned plan;

(III) All contentions on merits are kept open.

(G.S.PATEL,J.)

(A.S.OKA,J.)