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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9479 OF 2012

A.I. Kapadi & Ors.	... Petitioners
Vs.	
City and Industrial Development Corporation of Maharashtra and Ors.	... Respondents

**WITH
CIVIL APPLICATION NO.497 OF 2013
IN
WRIT PETITION NO.9479 OF 2012**

Sandeep Sharadchandra Thakur	... Applicant
Vs.	
A.I. Kapadi & Ors.	... Petitioners
Vs.	
City and Industrial Development Corporation of Maharashtra and Ors.	... Respondents

Ms. Kiran Bagalia a/w Mr. K.J. Reddy, for the Petitioners in WP No.9479 of 2012.

Mr. Sandeep Sharadchandra Thakur, Applicant/ Intervenor in CAW No.497 of 2013.

Mr. G.S. Hegde i/by M/s. G.S. Hegde & Associates, for Respondent No.1 in WP No.9479 of 2012.

Mr. V.S. Gokhale, AGP, for Respondent No.2 in WP No.9479 of 2012.

**CORAM : A.S. OKA &
A.K. MENON, JJ.**

DATE : 27th JANUARY, 2015

PC.

. Heard the learned counsel appearing for the Petitioners. It appears that from the Exhibit 'O' to the Petition that Commencement

Certificate was granted to the Petitioners by the Navi Mumbai Municipal Corporation subject to specific condition that before undertaking the work of any development in terms of the Commencement Certificate, the Petitioners will obtain No Objection Certificate of CIDCO by depositing necessary amount with the CIDCO. It is an admitted position that without compliance with the said condition of obtaining NOC of the CIDCO, the Petitioners have carried out construction of a building.

2. Faced with this difficulty, the learned counsel appearing for the Petitioners seeks permission to withdraw the Petition. She states that the Petitioners desire to apply for regularisation of the illegal construction and for grant of NOC for the purposes of construction. Hence, we dismiss the Petition as withdrawn.

3. Dismissal of the Petition will not come in the way of the Petitioners making an application for regularisation of the construction already carried out and of making an application to CIDCO for grant of NOC for regularising the construction.

4. Civil Application No.497 of 2013 does not survive and the same is disposed of.

(A.K. MENON, J)

(A.S.OKA, J)