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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELATE JURISDICTION
WRIT PETITION NO.10613 OF 2013 WITH
CIVIL APPLICATION NO.2046 OF 2015 AND
CIVIL APPLICATION NO.2300 OF 2015

Mukesh Madhukar Mokashi ...Petitioner
vs.
The State of Maharashtra
and others ...Respondents

Mr.Sagar Anant Joshi for the Petitioner
Mr.Milind Sathe, Senior Advocate i/b Sanjay Udeshi &
Co. for the applicant in CAW 2046/2015
Mr.N.Srivastava a/w Mr.Nakul Jain and Harish Behany
i/b Maniar Srivastava Associates for the applicant
in CAW 2300/2015
Mr.V.S.Gokhale, AGP for the respondent No.1
Mr.R.S.Apte, Senior Advocate i/b Mr.N.R.Bubna for
respondent No.2
Ms Debashree Mandpe i/b Ms Rekha Rajagopal for
respondent No.3
Mr.Virag Tulzapurkar, Senior Advocate a/w Dhawal
Mehta & Ria Nandini i/b Wadia Ghandy & Co. for the
respondent Nos.4 to 6.

CORAM : A.S.OKA, &
REVATI MOHITE DERE, JJ.
DATE : AUGUST 10, 2015

P.C.:

1 Heard the learned counsel for the petitioner.
The challenge in this petition under Article 226 of
the Constitution of India is to the order dated 4th
November 2008 issued by the State Government
directing various Municipal Corporations to initiate
action for modifications to the Development plan by
incorporating certain amendments in the Development
Control Regulations providing for a rental housing

scheme. The substantive challenge in this petition is to the said Government order which directs various Municipal Corporations to take steps under sub-section 1 of Section 37 of the Maharashtra Regional and Town Planning Act, 1966 for effecting modifications of the Development Control Regulations. Our attention is invited to the subsequent notification dated 7th August 2014 issued by the State Government by which modifications to the Development Control Regulation have been sanctioned in exercise of powers under section 37 (1-AA) of the MRTP Act. Therefore, now the remedy of the petitioner is to challenge the subsequent notification dated 7th August 2014.

2 In view of the subsequent notification, the challenge to the notification dated 4th November 2008 has become academic and, therefore, writ petition does not survive. However, the disposal of the writ petition will not preclude the petitioner from challenging the notification dated 7th August 2014 in accordance with law.

3 Subject to what is observed above, Writ Petition is disposed of. Rule is discharged. All pending Civil Applications do not survive and the same are disposed of.

(REVATI MOHITE DERE, J.)

(A.S.OKA, J.)

MENTIONED AT 5.00 P.M.

. After the order was passed in the morning session, the learned counsel for the petitioner after serving notice to all concerned parties, mentioned the matter at the end of the day. He seeks permission to withdraw the petition with liberty file a fresh petition for challenging the notification dated 7th August 2014. He states that in view of the orders dated 11th June 2015 and 30th July 2015 passed in this petition, he is making aforesaid statements. Accordingly, the order passed earlier is recalled and the petition is disposed of as withdrawn with liberty as prayed for. All contentions of the parties on merits are kept open. All pending civil applications are disposed of.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)