

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (STAMP) NO.27392 OF 2015

Moreshwar Hasu Patil .. Petitioner
vs.
Alka Sasane & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9861 OF 2015**

Moreshwar Hasu Patil .. Petitioner
vs.
Assistant Commissioner, F/North, BMC & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9862 OF 2015**

Kishor Jagannath Bhoir .. Petitioner
vs.
Assistant Commissioner, F/North, BMC & Ors. .. Respondents

**WITH
WRIT PETITION NO. 9863 OF 2015**

Smt. Mankubai Mahadev Shivalkar .. Petitioner
vs.
Assistant Commissioner, F/North, BMC & Ors. .. Respondents

Mr. Balasaheb Deshmukh for the Petitioners in all the Writ Petitions.
Mr. K.U. Kamdar, Senior Advocate i/b. Mrs. Geeta Joglekar for Respondent Nos.1 to 3 in all the Writ Petitions.
Mr. Pravin Samdani, Senior Advocate with Mr. Nitesh Ranavat, Mr. Aniesh Jadhav i/b. Wadia Ghandy & Co. for Respondent Nos.5 and 6 in Contempt Petition and for Respondent No.2 in Writ Petition Nos.9861, 9862 and 9863 of 2015.

**CORAM : M.S. SONAK, J.
DATE : 14 OCTOBER, 2015.**

P.C. :

- 1) Learned Counsel for the Petitioners on the basis of written instructions from the petitioners in Writ Petition Nos.9862 of 2015 and 9863 of 2015 seeks leave to withdraw the Petitions. Accordingly, leave is granted. These Petitions are disposed of as withdrawn.
- 2) The written instructions dated 07.10.2015 are kept on record.
- 3) It is further clarified that the interim orders in respect of structures which form the subject matter of Writ Petition No.9862 of 2015 and 9863 of 2015 stands vacated. To that extent, the order dated 07.10.2015 made in Contempt Petition (Stamp) No.27392 of 2015 and Writ Petition (Stamp) No.26928 of 2015 (Writ Petition No.9861 of 2015) stands varied. The interim order made on 07.10.2015 in the Contempt Petition and in the said Writ Petition shall therefore, confined to the structure which is subject matter of Writ Petition No.9861 of 2015.
- 4) Mr. Kamdar, learned Senior Advocate who appears for respondent Nos.1 to 3 states that some time is required for filing affidavit of respondent No.1. In the facts and circumstances of the present case, said affidavit is necessary and, therefore, the matter is adjourned to 20.10.2015.

Place the matter on supplementary board as it is stated that the affidavit of respondent No.1 would be ready and filed by 19.10.2015. Copy of such affidavit should be furnished to the learned Counsel appearing for the petitioners.

5) Mr. Samdani, learned senior Advocate for respondent Nos.5 and 6, also seeks leave to file Affidavit in reply. In view of allegations in the Contempt Petition including paragraph 13 thereof, leave is granted. Such affidavit to be filed on or before 19.10.2015 along with advance copy to the learned Counsel appearing for the petitioner.

6) Stand over to 20.10.2015 on supplementary board.

(M.S. SONAK, J.)