

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.921 OF 2013

Tekchand Nanda and anr.Petitioners.
vs.
State of Maharashtra and anr.Respondents.

Mr. Prakash Mahadik for the Petitioner.
Ms. H.Y.Shah, AGP. for Respondent State.
Mrs. Shobha Ajiitkumar for Respondent BMC.

**CORAM : A.S.OKA AND
A.P. BHANGALE, JJ.
DATE : 30TH MARCH, 2015**

PC:

Learned Counsel appearing for the petitioners, on instructions, seeks permission to withdraw the petition on the ground that the notice issued under Section 127 of the Maharashtra Regional and Town Planning Act, 1966 is defective. However, he seeks liberty to issue a fresh notice and thereafter to file a fresh petition.

2) Accordingly, we dispose of the petition as withdrawn with liberty to the petitioners to issue a fresh notice under Section 127 of the MRTP Act, 1966 in accordance with law. If an occasion arises, on the basis of the fresh notice, it will be open for the petitioner to file a fresh petition. All contentions of the parties on merits are kept open.

(A.P. BHANGALE, J.)

(A.S. OKA, J.)