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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.871 OF 2015

Vijay Kalantri ...Petitioner
vs.
Municipal Corporation of
Greater Mumbai & Ors. ...Respondents

Mr.S.U.Kamdar, Senior Counsel a/w Mr.Ravi
Suryawanshi i/b Naik Naik & Co. for the Petitioner
Mr.N.V.Walawalkar a/w Mr.Vinod Mahadik for the
respondent Nos.1 and 2
Ms Sarina Lopez – respondent No.3 in person

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

P.C.:

1 The learned senior counsel appearing for the petitioner seeks permission to withdraw the petition as the petitioner wants to prefer an appeal under section 47 of the Maharashtra Regional and Town Planning Act,1966 against the order passed by the Mumbai Municipal Corporation rejecting the application for regularization. He seeks continuation of ad-interim relief for a period of two weeks. The Intervenor appearing in person opposes the said prayer by pointing out that the petitioner has indulged in perjury and she may be permitted to file perjury proceedings. She also relied upon the report of the Fire Brigade.

2 As the petitioner wants to adopt a remedy available under the statute, ad-interim relief granted earlier deserves to be continued for a limited period of two weeks. This will not preclude the Intervenor appearing in person from adopting appropriate remedy in accordance with law.

3 Accordingly, Writ Petition is dismissed as withdrawn with liberty to prefer an appeal as prayed for. Ad-interim relief granted on 12th February 2015 shall continue to operate for a period of two weeks from today. The Intervenor-appearing in person prays that she may be made a party to the appeal which may be preferred by the petitioner. It will be open for the applicant-Intervenor to file appropriate application for intervention in the appeal which may be preferred by the petitioner. If such application is made, the same shall be considered in accordance with law.

4 Notice of Motion No.288 of 2015 does not survive and the same is disposed of.

5 If any appeal is preferred by the petitioner, the same shall be decided by the Appellate Authority within a period of three months from the date on which the appeal is preferred.

(REVATI MOHITE DERE,J.)

(A.S.OKA,J.)