

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVILAPPELLATE JURISDICTION**

WRIT PEITION NO.2849 OF 2015

Office Notes, Office
Memorandum of appearances,
Court's orders or directions &
Registrar's orders.

Court's or Judge's orders

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Mr. R. V. Pai a/w. Mr. A. R. Pai i/b. Ms. Neuty N. Thakkar,
Advocate for the Petitioners.
Mr. Sandeep V. Marne, Advocate for Respondent Nos.1 and 3.
Mr. V. B. Thadhani, AGP for Respondent Nos.2 and 4.
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**CORAM : A.S. OKA AND
C.V. BHADANG, JJ.**

DATED : FEBRUARY 17, 2016.

P.C.

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first to third respondents. Learned AGP represents the fourth respondent. Learned counsel appearing for the first to third respondents states that the said respondents have decided to withdraw the impugned stop work notice dated 8th August, 2012 as they intend to initiate proceedings under Section 51 of the Maharashtra Regional and Town Planning Act, 1966 ("The MRTP Act", for short).

2 The learned counsel appearing for the petitioners on instructions states that due to passage of time, the petitioners will have to make a fresh application for grant of development permission which may be directed to be decided in accordance with law.

3 Hence, we need not keep the petition pending and the same is disposed of by passing the following order:

:: ORDER ::

- (i) We accept the statement made by the learned counsel appearing for the first to third respondents on instructions. Accordingly the stop work notice dated 8th August, 2012 stands withdrawn;

- (ii) if a fresh application is made by the petitioners for grant of development permission in accordance with the provisions of the MRTP Act, the said application

shall be decided by the first to third respondents as expeditiously as possible and in any event within a period of sixty days from the date on which the application is made;

(iii) we make it clear that all contentions of the petitioners and the first to third respondents are kept open;

(iv) the petition is disposed of in the above terms.

(C. V. BHADANG, J.)

(A.S. OKA, J.)