

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.532 OF 2017
WITH
CIVIL APPLICATION NO.986 OF 2017**

Samar Namdeo Nanekar ... Appellant
versus
Basanti Kishan Sukhwani and Ors. ... Respondents

Mr. Mandar Limaye, for Appellant/Applicant.
Mr. Sagar Kursija with Mr. Arvind Aswani i/by Mr. Vikrant Suryawanshi, for
Respondent No.1.
Mr. Deepak More, for Respondent No.3.
Mr. Samar Nanekar, present in Court.

CORAM: S.J. KATHAWALLA, J.

DATE: 24th AUGUST, 2017

P.C.:

1. Mr. Limaye, learned Counsel appearing for the Appellant on instructions states that he does not wish to press the above Second Appeal and would apply for permission for retention and change of user under Section 44 of the Maharashtra Regional and Town Planning Act read with Development Control Regulations of the Respondent No.3 to the Respondent authority within four weeks from today in accordance with law.

2. If any such Application is made by the Appellant with the authority within four weeks from today, the authority shall decide the said application in accordance with law within a period of three months from the date of receipt of such application.

The authority shall convey its decision to the Appellant within two weeks from the date of taking such decision in accordance with law. It is made clear that this Court has not expressed any view on the merits.

3. Interim protection granted by this Court to continue for a period of four weeks from the date of communication of the decision by the Respondent No.3 to the Appellant.

4. The above Second Appeal is therefore, disposed of as withdrawn. In view thereof, the Civil Application also does not survive and the same is accordingly disposed of.

5. The parties to act on the authenticated copy of this order.

(S.J.KATHAWALLA, J.)