

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

WRIT PETITION NO. 14108 OF 2016

Abdul Jabbar s/o. Asadullha Khan	.. Petitioner
Vs.	
The State of Maharashtra & Ors.	.. Respondents

.....

Mr. S.G. Kudle, Advocate for the Petitioner.
Mrs. M.P. Thakur, AGP for Respondent No.1 – State.
Mr. S.V. Marne, Advocate for Respondent Nos.2 and 3.
Mr.S.Diwan i/b. Mr.A.M. Kulkarni, Advocate for Respondent No.4.

.....

**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : JANUARY 30, 2017.

P.C. :

Not on Board. Production of papers are allowed at
3.00 p.m.

2 The grievance of the petitioner is that inspite of submitting application before respondent no.4 (CIDCO), the same has not been considered and decided by respondent no.4-CIDCO, as yet. The stand of respondent no.4-CIDCO is that the application is required to be submitted by the petitioner to respondent no.2 who is the Competent Authority for grant of

permission for change of use from restaurant to chicken shop. Learned counsel appearing for respondent no.2 on instructions submits that in case the petitioner submits appropriate application in prescribed form alongwith the necessary certificate of Architect, the petitioner's application shall be considered and appropriate decision shall be taken on it in accordance with law. In view of the aforesaid stand being taken by respondent no.2, we dispose of the petition by granting liberty to the petitioner to submit appropriate application for grant of such permission in the prescribed form. In case the petitioner submits such application, the Competent Authority i.e. respondent no.2 shall consider and take appropriate decision on it in accordance with law and as expeditiously as possible but in any case not later than four weeks from the date of receipt of that application.

3 With the aforesaid directions, the petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)