

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

WRIT PETITION NO.2014 OF 2016

Shri. Atiq Rais Baig

..Petitioner

Versus

State of Maharashtra and another

..Respondents

Mr. L. R. Shukla i/by M/s. Legal Vision for the Petitioner.

Mr. Kunal Bhanage, AGP for the Respondent – State.

Ms. K. H. Mastakar for the Respondent – BMC.

**CORAM : R. M. SAVANT &
SMT. SADHANA S. JADHAV, JJ
DATE : 23rd JUNE, 2017**

PC.

1 The above Petition has been filed seeking a direction that the Respondent No.2 - Municipal Corporation of Greater Mumbai (MCGM) be directed to decide the Petitioner's pending application on the basis of new rules and guidelines applicable to the allotment of HPCOs. The Learned Counsel appearing for the MCGM draws our attention to the letter dated 20.07.2016 addressed to the Petitioner by the Senior Inspector, Licence, K/W, Ward. By the said letter, the Petitioner is informed that in terms of the present transfer policy of the MCGM, it could not be possible to transfer the HPCO standing in the name of the original allottee Shantidevi Singh. The said letter has been served upon the Petitioner as can be seen from the signature of the Petitioner

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endorsed on the said letter. Hence though a Division Bench of this Court by order dated 08.02.2017 had directed the Respondent No.2 to consider the representation of the Petitioner, in fact the said representation was already considered and rejected by the Respondent No.2 which has been communicated by the letter dated 20.07.2016. Upon this, the Learned Counsel for the Petitioner seeks withdrawal of the above Petition with liberty to challenge the said communication dated 20.07.2016. The Petition is accordingly allowed to be withdrawn with liberty to challenge the said communication dated 20.07.2016.

2 Needless to state that the said challenge would be considered on its own merits and in accordance with law. With the aforesaid directions, the Writ Petition is disposed of.

[SMT. SADHANA S. JADHAV, J]

[R.M.SAVANT, J]