

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.1350 OF 2016

...

JYOTI ASHOK JAIN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.D.S.Bagul, Advocate for the petitioner
Mr.C.S.Kulkarni, AGP for the respondent/State
Mr.S.S.Patil, Advocate for respondent no.3.

...

**CORAM: S.S. SHINDE AND
S.M.GAVHANE, JJ.**

DATE : 12.02.2018

ORDER:

1] At the outset, learned AGP appearing for the respondent-State prays for recalling the order dated 10th January, 2018, to the extent of the conditional order of depositing Rs.10,000/-, in case no reply is filed by respondent no.1 within three weeks from 10th January, 2018. He submits that, since the final decision is taken by respondent no.1 in relation to the proposal submitted by respondent no.3 for minor modification, it is not necessary to file reply on behalf of respondent no.1.

2] Keeping in view the prayer of the learned AGP, we recall the order dated 10th January, 2018, thereby passing conditional order of depositing Rs.10,000/-, in case no reply is filed by

respondent no.1, in view of the fact that, the final decision has been taken by respondent no.1 on 6th January, 2018.

3] Learned AGP appearing for the respondent-State has tendered across the Bar a *Notification* dated 6th January, 2018, issued by the Urban Development Department, Government of Maharashtra. The same is taken on record and marked 'X' for identification purpose.

4] It appears that, proposal filed by respondent no.3 for minor modification in respect of deletion of reservation of playground under Section 37 [2] of the Maharashtra Regional and Town Planning Act, 1966, has been rejected.

5] In the light of above, learned counsel appearing for the petitioner, on instructions, seeks leave to withdraw this Petition, with liberty to take exception to the aforesaid Notification.

6] Leave granted. The Petition is dismissed as withdrawn, with liberty as prayed for.

[S.M.GAVHANE]
JUDGE

[S.S.SHINDE]
JUDGE