

Anand

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

WRIT PETITION NO. 4032 OF 2018

Kamlesh Krishna Nair

.Petitioner

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. D. V. Saroj a/w Mr. S. M. Poddar, Mr. V. K. Khondare &
Mr. D. R. Chaudhary, Advocate, for the Petitioner
Mr. Amol Patil, AGP, for the Respondent No. 1 – State
Mr. S. S. Pathak, Advocate, for the Respondent No. 5

CORAM : REVATI MOHITE DERE, J.

DATE : 25.10.2018

P.C.

. Learned counsel for the Respondent No. 5 has filed an Affidavit of the Respondent No. 5 – Mr. Chetan Bhanushali, the partner of the Respondent No. 5. Mr. Chetan Bhanushali is present in person. He states that he has been explained the contents of the Affidavit, and accepts the contents in the Affidavit. He undertakes to abide by the statements made by him in the Affidavit. Mr. Bhanushali in para 4, of the Affidavit has stated that there are a total of 43 commercial structures in the said Slum Scheme and that according to the planning, there is a provision

for 23 commercial structures on the ground floor of the composite building, out of which, 8 units are situated on the front side. It is further stated that provision has been made for the Petitioner, for one commercial tenement on the front side of the ground floor and the two, tenements on the first floor, as permissible under 5.4 of Appendix IV of the Development Control Regulations, 1991 (“DCR”). Mr. Bhanushali has stated that the Respondent No. 5 has applied before the planning authority and the same is pending for approval. It is also stated that provision for giving three commercial premises has been made and the same will be given to the Petitioner, subject to the outcome and decision / orders passed by the Grievance Redressal Committee, where the Petitioner's Appeal is pending / and subject to orders that may be passed by Courts i. e. till the orders attain finality. Learned counsel for the Respondent No. 5 on the instructions of Mr. Chetan Bhanushali states that he will abide by the said statement made by him, as a partner of Respondent No. 5, in para 4 of the Affidavit-in-reply. Learned counsel for the Respondent No. 5 further states that in case, the building is complete, he will retain three commercial premises as stated in

para 4 of the Affidavit and handover the same to the SRA till the Petitioner's Appeal is decided by the Grievance Redressal Committee / any other authority / Court. Statement accepted. In view of the statement made by Mr. Bhanushali, partner of the Respondent No. 5 and the Affidavit-in-reply, learned counsel for the Petitioner seeks leave to withdraw the Petition.

2. The Petition is accordingly disposed off as withdrawn. All contentions of all parties are kept open before the Grievance Redressal Committee where the Petitioner's Appeal is pending.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)