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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.4717 OF 2018

Rajesh Jamnadas Makhecha ... Petitioner
Vs.
Panvel Municipal Corporation and Anr. ... Respondents

Mr. Rajesh L. Shethia a/w Ms. Deepali Y. Deherkar and Mr. Chetan R. Shah for the Petitioner.

Mr. Ashok Manik Misal for the Respondent No.1.

Mrs. R.A. Salunkhe, AGP for the Respondent No.2.

CORAM : A.S.OKA AND RIYAZ I. CHAGLA, JJ.

DATE : 13th AUGUST 2018.

P.C. :

1 The learned counsel appearing for the petitioner, on instructions, seeks permission to withdraw the petition on the ground that the petitioner desires to file a civil suit and appeal against the order dated 27th July 2018 passed by the District Collector. He seeks continuation of ad-interim relief for a limited period. The said prayer is opposed by the learned counsel appearing for the Respondent No.1.

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2 The limited request made by the petitioner deserves to be acceded to. Accordingly, we pass the following order :-

ORDER

- (i) Petition is dismissed as withdrawn with liberty to file a civil suit. We make it clear that we have made no adjudication on the merits of the civil suit proposed to be filed by the petitioner including the issue of the maintainability of the suit;

- (ii) Ad-interim relief granted by this Court on 13th April 2018 is hereby extended by a period of six weeks from today. We, however, make it clear that application for grant of ad-interim relief or interim relief will be decided without being influenced by grant of ad-interim relief and extension thereof by this Court;
- (iii) We make it clear that civil suit as well as the appeal which is filed by the petitioner will be decided on its own merits.

(RIYAZ I. CHAGLA, J.)

(A.S.OKA, J.)