

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9246 OF 2017***

Vishwas Shriram Morbekar	Petitioner
Versus	
City & Industrial Development Corporation of Maharashtra & Anr.	Respondents

WITH
WRIT PETITION NO. 9271 OF 2017

Subhan Mohammed Hussain Patel	Petitioner
VS	

City & Industrial Development Corporation of Maharashtra & Anr.	Respondents
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Mr. Asad Bukhari a/w Mr. Y.S.Shukla for the petitioner.
Mrs. M.P.Thakur, AGP, for the State.
Mr. A.M.Kulkarni for Respondent No.1.

***CORAM : RANJIT MORE &
SMT. SADHANA S.JADHAV,JJ.
DATE : 2nd May, 2018.***

P.C. :

Mr. Bukhari, learned counsel for the petitioner does not dispute that the impugned order is appealable under section 47 of the Maharashtra Regional and Town Planning Act, 1966. In that view of the matter and since the petitioner has an alternate

remedy which is equally efficacious, Mr. Bukhari seeks leave to withdraw the writ petitions with liberty to avail alternate remedy. Leave with liberty as prayed for is granted. Petitions are allowed to be withdrawn and are disposed of accordingly.

2. It is made clear that this Court has not gone into merits of the matters and all points and contentions of the respective parties are kept open. In the event, such an appeal is filed by the petitioner, the same shall be decided by the appellate authority independently, on its own merits and in accordance with law.

3. In order to enable the petitioner to approach the appellate authority, both parties i.e. the petitioner and CIDCO are directed to maintain status quo as of today of the subject structure for the period of four weeks from today. This includes that the petitioners shall not create third party interest in the subject structure. In the event, appeal is filed within four weeks from today, the appellate authority shall dispose of the same as expeditiously as possible and preferably within the period of six months from the date of filing thereof.

4. In the event appeal is barred by limitation, the appellate authority shall consider the time spent by the petitioner in prosecuting the cause in this Court and in this regard the petitioner is entitled to take benefit of Section 14 of the Limitation Act, 1963.

5. Writ Petitions stand disposed of.

[SMT. SADHANA S.JADHAV, J.]

[RANJIT MORE, J.]