

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION [st.] NO. 24767 OF 2017

Deepak Nathaji Mane.

..Petitioner.

Versus

The Minister, Urban Development and Others. ..Respondents.

Mr. S. A. Tarale for the Petitioner.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Mr. Pramod Jadhav and Mr. Kalpesh Patil for Respondent No. 2.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **July 18, 2018.**

P. C. :

1. By this petition filed under Article 226 of the Constitution of India, the Petitioner is challenging the notice under section 53 of the Maharashtra Regional and Town Planning Act, 1966 issued by Respondent No.2. During the pendency of this petition, the Petitioner also filed an application for regularisation of the offending structure which is subject matter of this writ petition. Respondent No. 2 has filed an affidavit dated 16th July 2018. In paragraph 2 thereof, it is stated that the Petitioner's application for regularisation is rejected by the letter dated 15th September 2017. It is further stated that thereafter the Petitioner again filed an application for regularisation, which was dismissed on 7th July 2018.

2. In the light of above, the learned counsel for the

Petitioner having taken instructions from his client, seeks leave to withdraw the writ petition with liberty to file an appeal before the appellate authority challenging the rejection of his regularisation applications. Leave with liberty as prayed for is granted. Petition is allowed to be withdrawn and is dismissed as such.

3. In order to enable the Petitioner to apply to the appellate authority, ad-interim relief granted on 1st September 2017 shall remain in operation for the period of two weeks from today.

4. It is made clear that this Court has not gone into merits of the matter and all points and contentions of the respective parties are kept open. If such an appeal is filed by the Petitioner, the same shall be decided independently, on its own merits and in accordance with law.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]