

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14236 OF 2017

Harnishbhai C. Patel.

..Petitioner.

Versus

The Collector, Thane & Others.

..Respondents.

Mr. R. D. Suryavanshi for the Petitioner.

Mrs. R. M. Shinde, AGP for the Respondent-State.

Mr. Saurabh Oka for Respondent No. 4.

Mr. A. D. Wagh for the intervenor.

Coram : Ranjit More &

A. M. Badar, JJ.

Date : **April 26, 2018.**

P. C. :

1. Counsel for Respondent No. 3 on instructions makes a statement that impugned notice, i.e., the notice issued under section 53 of MRTP Act, 1966, may be permitted to be revoked with liberty to issue fresh notice in accordance with law. Leave with liberty as prayed for is granted. Impugned notice accordingly stands revoked. Needless to state that Respondent No. 3 is at liberty to issue fresh notice in accordance with law.

2. In view of the above statement, the relief claimed by the Petitioner under prayer clause (c) will not survive.

3. By the relief claimed in prayer clause (b), the Petitioner has sought direction to Respondent No.4 to decide the application made for compounding the structure, being application dated 22nd November 2017, Exhibit-H to the petition.

Learned Counsel for Respondent No. 4 submitted to the orders of the Court.

. In the light of above, we deem it convenient to dispose of this writ petition by directing Respondent No.4 to decide the Petitioner's application dated 22nd November 2018 [Exhibit- H to the petition], as expeditiously as possible and at any rate within the period of 12 weeks from the date of receipt of a copy of this order. **Ordered accordingly.**

4. It is made clear that this Court has not gone into merits of the matter and Respondent No.4 shall decide the said application of the Petitioner independently, on its own merits and in accordance with law. In order to enable Respondent No.4 to comply with the directions given above, the Petitioner shall remain present before Respondent No.4 on 7th May 2018 along with a copy of this order and copy of his application dated 22nd November 2018. During the pendency and till the disposal of said application of the Petitioner, both the parties and Respondent No.4 shall maintain status quo as of today with regard to subject offending structure.

5. Writ petition stands disposed of.

6. In view of the disposal of main writ petition, application taken out in this writ petition does not survive and the same is accordingly disposed of.

[A. M. BADAR, J.]

[RANJIT MORE, J.]