

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION NO. 314 OF 2013**

M/s. Shah Doshi & Co.

....Petitioner

Versus

The Municipal Corporation of Greater Mumbai & Ors.Respondents

Mr. Ankit Lohiya a/w. Mr. Dhaval Mohta i/b. D.M. Legal Associates for the petitioner.

Mr. Prashant Kamble for Respondent Nos.1 and 2 – BMC.

Mr. V.S. Upadhyay, AGP for the respondent-State.

Mr. R. Poonawala a/w. Mr. Y.R. Shah for resp. no.37.

Mr. D.D. Madan, Sr. Counsel a/w. Mr. Shishir Joshi for Respondent No.38.

Ms. Sarika Mehra i/b. L.J. Law for Respondent No.34.

***CORAM : A.S. OKA &
P.N. DESHMUKH, JJ.***

DATE : 12TH JANUARY, 2018

P.C. :

1. The learned counsel appearing for the petitioners after arguing the petition for some time, seeks permission to withdraw the petition. Accordingly, the petition is disposed of as withdrawn.

2. We make it clear that we have made no adjudication on the issue whether the allegations made in the petition as regards unauthorized change of user and unauthorized construction are right or wrong.

Notwithstanding the disposal of the petition, it is always open for the Municipal Corporation to take action in accordance with the law in respect of illegalities concerning the property including the failure of the petitioner to remove the temple in terms of the undertaking given by them and also on the ground that the construction of the temple is illegal.

3. Subject to what is observed above, this petition is disposed of as withdrawn.

(P.N. DESHMUKH, J.)

(A.S. OKA, J.)