

Amk

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7497 OF 2017

Mohammad Rafiq Adam Mullani .. Petitioner
Vs.
The Chief Officer,
Jaysingpur Municipal Council & Ors. .. Respondents

**CIVIL APPLICATION (STAMP) NO. 4080 OF 2019
IN
WRIT PETITION NO. 7497 OF 2017**

Balaso Ganpati Varekar .. Applicant

In the matter between

Mohammad Rafiq Adam Mullani .. Petitioner
Vs.
The Chief Officer,
Jaysingpur Municipal Council & Ors. .. Respondents

Mr. Suryajeet P. Chavan for the Petitioner.
Mr. Vikram Chavan a/w. Mr. Jatin Sahai I/b C. K. Legal for Respondent Nos.1 & 2.
Mr. P. J. Gavane, AGP for Respondent No.3.
Mr. Swaroop Karade I/b Mr. Surel Shah for Intervener in CAWST 4080/19.

CORAM : V. L. ACHLIYA, J.
DATE : 25th FEBRUARY, 2019.

P. C. :

1. Learned Counsel, on instructions from the Petitioner, seeks permission to withdraw the Petition with liberty to make an application under Section 52A of the Maharashtra Regional and Town Planning Act, 1966 and further urged to continue interim protection till the decision of the application.

2. Allowed to withdraw with liberty as prayed for.
3. In case, such application is made under Section 52A of the M. R. T. P. Act, 1966, the concerned Authority shall decide the same within twelve weeks from the date of receipt of such application. If, such application is tendered within two weeks from date of this order, then the interim order operating in this Petition shall remain in force for a period of twelve weeks from the date of filing of such application or the disposal of such application, whichever earlier. In the event of adverse order against the Petitioner, same shall not be implemented for the period of two weeks to enable the Petitioner to exercise his option to challenge the same.
4. It is made clear that this Court has not examined the merits of the case and the Competent Authority shall decide the application on its own merits. All contentions are kept open.
5. Writ Petition is disposed of in above terms with no order as to costs.
6. In view of disposal of Writ Petition, Civil Application (Stamp) No. 4080 of 2019 stands disposed of in terms of disposal of the main Petition.

[V. L. ACHLIYA, J.]