

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

WRIT PETITION NO.13740 OF 2017

Ashok Suryaba Aldar

... Petitioner

Vs

The State of Maharashtra

Through Secretary and Ors.

... Respondents

...

Mr. B.A.Lawate for the Petitioner.

Mr. V.S.Talkute for the Respondent No.3.

Ms. K.N.Solanki, AGP for respondent nos.1 and 2.

**CORAM : B.P.DHARMADHIKARI &
SANDEEP K. SHINDE JJ.**

DATE : AUGUST 20, 2019

P.C. :

Prayer of the petitioner is to direct respondent no.3-
Chief Officer to implement notice issued under Section 53 of
the MRTP Act, 1965.

2 The learned AGP appearing for the respondent nos.1
and 2 and the learned counsel appearing for the respondent
no.3 submits that the petitioner has already filed Civil Suit in
the matter and in it, it had also obtained temporary injunction.
As such, present petition is not maintainable.

3 The counsel for the petitioner states that during the pendency of the suit, adjacent owner/respondent no.4 has completed structure and hence, suit has become infructuous..

4 We do not find any substance in this submission. If during the pendency of the suit and in violation of interim orders, a structure has been completed, petitioner can definitely make appropriate amendments and seek all consequential reliefs.

5 Hence, with said liberty and keeping all the contentions of the parties open, we dispose of the petition.

(SANDEEP K. SHINDE, J.)

(B.P.DHARMADHIKARI, J.)