

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

WRIT PETITION NO.4968 OF 2013

Shri Devshibhai G. Khunti ... **Petitioner**

Vs

The Chief Officer and Ors. ... **Respondents**

Mr.S.R.Nargolkar I/b Mr.A.V.Joshi for the
Petitioner.

Mr.S.S.Deshmukh for Respondent Nos.1
and 2.

**CORAM :- S. C. DHARMADHIKARI &
M.S.KARNIK, JJ.**

DATE :- MAY 02, 2019

P.C. :-

1. After having heard both sides and finding that the contents of the additional affidavit not being controverted till date, we proceed to admit this writ petition.

2. Rule. Respondents waive service. By consent, heard forthwith.

3. We confirm the ad-interim order passed by this Court on July 10, 2013. It shall operate as an interim order during the pendency of the writ petition.

4. When we passed this order, the petitioner's advocate states that since the petitioner has succeeded in the suit and no appeal has been brought by the Chief Officer, Diu Municipal Council-respondent No.1 to this petition, in the light of the changed circumstances, the Chief Officer be directed to consider the

application of the petitioner for renewal of the hotel licence and allow him to utilise the said licence for carrying on business from the subject construction. That structure which is constructed and with the present size and dimension so also height is not an illegal or unauthorised construction any longer.

5. Once the petitioner's advocate has been instructed to make this statement and Mr.Nargolkar says that the petitioner will approach the Chief Officer with an application seeking renewal of the licence in the light of the changed circumstances, we do not think that the writ petition should be kept pending.

6. By consent of both sides, the writ petition is disposed of in terms of the ad-interim order as also by noting the changed circumstances and granting the liberty as prayed. If an application is made by the petitioner on the basis of the above, that application be considered as expeditiously as possible and the decision be communicated by the Chief Officer within a period of four weeks from the receipt thereof. Rule is made absolute in the above terms.

7. The writ petition stands disposed of accordingly.

(M.S.KARNIK, J.)

(S.C.DHARMADHIKARI, J.)