

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

WRIT PETITION NO. 12117 OF 2017

Abhaykumar Balappa Upadhye and anr. ... Petitioners

Versus

State of Maharashtra and Ors. ... Respondents

Mr. Dhairyasheel Sutar for the petitioners.

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

Mr. Prashant Suryawanshi i/by Mr. G.N. Savagave for respondent no. 3.

**CORAM : B.P. DHARMADHIKARI &
SANDEEP K. SHINDE, JJ.
DATE : OCTOBER 11, 2019**

P.C.:

Effort of the learned counsel for the petitioners is to demonstrate that though all so called lacunaes have been rectified, the petitioners are being harassed by respondent no. 3 Municipal Council. Learned counsel for respondent no.3 Municipal council disputes this.

2. This Court has earlier passed some orders in this writ petition directing respondent no. 3 to take final decision.

3. It is not in dispute that the provisions of section 45 sub section 5 of Maharashtra Regional Town Planning Act

contemplates deemed sanction if there is inaction by the planing authority and the period stipulated expires.

4. In this situation, if the petitioners have drawn a plan as per law from appropriate architect/engineer, they do not need any certificate from this court.

5. Learned counsel for the petitioners, in this situation, seeks leave to withdraw the petition with a liberty to approach the court if any cause of action arises.

6. We keep all contentions of the petitioners open and dispose of the petition as withdrawn with a liberty sought for.

(SANDEEP K. SHINDE, J.)

(B.P. DHARMADHIKARI, J.)