

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.2193 OF 2019

Prabhudas Nanalal Parekh and Ors.	...	Petitioners
versus		
State of Maharashtra and Ors.	...	Respondents

WITH
CHAMBER SUMMONS (L) NO.257 OF 2019
IN
WRIT PETITION (L) NO.2193 OF 2019

Pankaj Shah and Ors.	...	Applicants
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In the Matter Between :-

Prabhudas Nanalal Parekh and Ors.	...	Petitioners
versus		
State of Maharashtra and Ors.	...	Respondents

Mr.Karl Tamboly a/w Vachan Bodke,
Pinky Sharma i/b V&M Legal for the
Petitioners.

Ms.Rupali Adhate for MCGM.

Simil Purohit a/w Aamir Shaikh i/b
I.V.Merchant & Co. for Respondent No.2.

Ms.Jyoti Chavan, AGP for State.

Mr.Firoz Bharucha i/b Mr.Lokesh Zade for
the Applicants in Chamber Summons (L)
No.257 of 2019.

Mr.M.Salve, Executive Engineer (Building
& Factory) Department 'A' Ward present.

Mr.Vinod Ghane, Sub-Engineer (Building
& Factory), 'A' Ward present.

CORAM :- S. C. DHARMADHIKARI &
G.S.PATEL, JJ.

DATE :- AUGUST 8, 2019

P.C. :-

1. After this writ petition was argued on two occasions prior to this date, our disinclination to grant any relief in writ jurisdiction being noticed and expressed, on instructions, the petitioners' counsel seeks leave to withdraw this writ petition with liberty to adopt appropriate legal proceedings. The writ petition is allowed to be withdrawn with liberty as prayed.

2. The petitioners' counsel would submit that this Court had passed the order on 30th July, 2019 to the following effect :-

“1. At the request of the Municipal Corporation, we post this matter on 6th August, 2019.

2. We expect the Municipal Corporation not to proceed and demolish the structure until the 8th of August, 2019.

3. In the event any instruction are issued in writing seeking to disconnect the water and electricity supply, let that also not be disconnected till 8th August, 2019.”

3. He would submit that this order be continued for a reasonable period and given that there are few working days at hand. This request is opposed by Ms.Adhate. She would submit that the building is 80 years old and part of it has already collapsed. After hearing both counsel on this point, we are of the opinion that our order passed on 30th July, 2019 should not be continued for a long duration. We continue it only till 20th August, 2019. However, our order passed on that date and today will not oblige the trial Court or other forum to continue it further.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)