

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 538 OF 2018
IN
WRIT PETITION NO.1434 OF 2018**

Chief Executive Officer

...Applicant/
Res. No.3

IN THE MATTER BETWEEN :

Ahmedjan Habibullah Qureshi
Versus

...Petitioner

The State of Maharashtra & Ors.

...Respondents

Mr. S. P. Thorat for the Applicant/Respondent No. 3

Mr. Jayesh Bhatt for the Petitioner

Mr. Himanshu Takk, A.G.P for the Respondent No.1-State

Ms. Trupti Puranik for the Respondent No.2-MCGM

Mr. H. R. Pawar for the Respondent No. 4

Mr. Saket Mone a/w Mr. Subit Chakraborty I/b Vidhii Partners for the
Respondent No. 5

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
WEDNESDAY, 16th JANUARY 2019**

P.C. :

1 Heard sufficiently. In view of consent order dated 4th
October 2018, we find demand for a back door by petitioner by way of

afterthought and belated. If petitioner needed back door and without it, if he cannot do business, he could have, at that juncture only, sought necessary directions.

2 Learned counsel appearing for applicant/respondent No. 3 submits that at that juncture, as some alteration was necessary, this Court directed parties to obtain necessary clearance from respondent No. 3.

3 We have perused that part of order. Had petitioner pointed out need of another door on back side, that could also have been taken care of, at that juncture.

4 In this situation, we grant petitioner leave to move respondent No. 3 for necessary alteration. If the alteration is possible as per Scheme and Law, respondent No. 3 can consider that request.

5 However, our order does not mean that petitioner can, in violation of law, continue to do business in said structure.

6 With this clarification and liberty, we dispose of Notice of Motion.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.