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

WRIT PETITION NO. 9111 OF 2019

M/s Kothari Warehouse No.3 Premises Co-op.HSG Ltd. ...Petitioner.

vs

The Municipal Commissioner & Ors. ...Respondents.

Mr. Vishal Kanade i/b Mr. Tushar M. Sonawane for the Petitioner

Mr. Ram Apte Sr. Counsel a/w Mr. Mandar Limaye for Respondent Nos.1 and 3.

Mrs. M.P.Thakur AGP for the Respondent/State.

Mr. Jayesh Joshi for Respondent No.5.

Mr. Sandesh Patil i/b Prithviraj S. Gole for Applicant/ Proposed Intervenor.

Mr. Shailendra Benda, Executive Engineer, T.M.C., present.

**CORAM : S. J. KATHAWALLA &
B. P. COLABAWALLA, JJ.**

DATED 10TH February , 2020.

P.C. :

1. The learned Advocate appearing for Respondent Nos.1 to 3, on instructions, states that the Municipal Corporation withdraws the order dated 4th July, 2019 passed by its Executive Engineer, Town Planning Department, Municipal Corporation, Thane. The Civil Judge, Senior Division, Thane shall decide the Interim Application filed in the suit (Exhibit 22) after hearing the parties including Thane Municipal Corporation within a period of four weeks from today. The Civil Judge, Senior Division, Thane shall decide the said Application (Exhibit 22) and shall also decide the issue as to whether the original Plaintiffs are entitled to restoration of the passage way as described in the said suit. All contentions of parties are kept open.

2. The Writ Petition is accordingly disposed of.

(B. P. COLABAWALLA, J.)

(S. J. KATHAWALLA, J.)