

**Basavraj
G. Patil**

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Basavraj G. Patil
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.882/2021

Suresh Chellapan Nair & Ors. Petitioners

Vs.

The State of Maharashtra & Ors. Respondents

Mr. Anand Mishra i/b. Ashok M. Saraogi for the Petitioners
Mr. S. S. Panchpor, AGP for the State

**CORAM: K.K.TATED &
RIYAZ I. CHAGLA, JJ.**

DATED : MARCH 16, 2021

P.C.

1 Heard. By this Petition under Article 226 of the Constitution of India, the Petitioners are seeking direction against Respondent NO.2 to forthwith clear the Nala situated at Pitru Ashirwad Building, Near Khanna Sadan, Kopar Road, Dombivli (W), Thane - 421202.

2 It is the case of the Petitioners that Respondent Nos.3 and 4 started work of construction of the railway bridge and expansion of two railway tracks and during the said work, some damage has been caused to their building. Not only that, even the Nala next to their building has been chocked-up, therefore, they have filed the present Writ Petition to take appropriate action against the Respondents.

3 During the course of arguments, when this Court raised a query to the Petitioners that, whether the

Petitioners have filed any Application to the Municipal Corporation for taking action against the Respondents, at that time, the learned counsel for the Petitioners submits that it remained on their part to make such application. He submits that the Petitioners be permitted to withdraw the Writ Petition with liberty to file appropriate Application to the concerned Authority for the same cause of action as arose in the Writ Petition. To that effect he has submitted a written submission dated 16.03.2021. Same is taken on record and marked "X" for identification.

4 In view of the written submission filed by the advocate for the Petitioners, the following order is passed:

- a. Liberty granted to the Petitioners to make appropriate representation to the Authority for the same cause of action, within one week from today.
- b. If such representation is made to the Authority and/or Respondents, they are directed to take appropriate steps according to law, as early as possible, but in any case, within two months from the date of application, after hearing all the parties, if necessary and communicate their decision to the Petitioner in writing.
- c. The Writ Petition stands disposed of accordingly.
- d. No order as to costs.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)