

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

WRIT PETITION NO.9495 OF 2022

Agasti Developers

.. Petitioner

Versus

The State of Maharashtra and Ors.

.. Respondents

.....

Mr.A.Y. Sakhare, Senior Advocate a/w. Mr.Sarthak S. Diwan, Advocate for the Petitioner.

Mr.Sandeep Salunkhe a/w. Mr.Chaitanya Mulawkar, Advocate for Respondent No.2.

Mr.R.S. Pawar, AGP for the Respondent – State.

Mr.Akshay Petkar, Advocate for Respondent No.5.

.....

**CORAM : NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATED : 16 September 2022.

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P.C. :

On 8 September 2022, the following order was passed:

“ *A request is made on behalf of the learned counsel for the Petitioner for adjournment. The learned counsel for Respondent No.2 states that the petition is*

premature as no action is yet taken by Respondent No.2–Municipal Council and as regards encroachment, the appeal filed by the Petitioner is pending. Stand over to 16 September 2022.

2 Ad-interim order to continue till the next date.”

2 The learned counsel for Respondent No.2 reiterates the statement recorded earlier. In view of this position recorded as above, it is not necessary to keep the Writ Petition pending. If the Municipal Council is proceeding against the Petitioner, it will give four weeks advance notice to the Petitioner, to enable the Petitioner to approach the appropriate forum. The pending Appeals and the proceedings between the Petitioner and private Respondent will be disposed of on their own merits.

3 Writ Petition, is accordingly, disposed of.

SHARMILA U. DESHMUKH, J.

NITIN JAMDAR, J.