

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

WRIT PETITION NO.2407 OF 2016

WITH

CHAMBER ORDER NO.1146 OF 2017

WITH

CHAMBER SUMMONS NO.305 OF 2017

M/s. Rajeshwar Land Developers

Pvt. Ltd.

.. Petitioner

v/s.

The State of Maharashtra and Ors.

.. Respondents

WITH

WRIT PETITION NO.576 OF 2016

Vijaykumar Badriprasad Sharma

.. Petitioner

v/s.

Mumbai Municipal Corporation

and Ors.

.. Respondents

Mr. Mutahhar Khan a/w. Mr. Vishal Mehta a/w. Mr. Ranjyot Panesar
i/by MV Law Partners, for the petitioner in WP/2407/2016.

Mr. Amit Shastri, AGP – State, for respondent No.1 in WP/2407/2016

Mr. Hemant Harya, AGP-State, for the respondent in WP/576/2016.

Ms. Sheetal Metakari i/by Mr. Sunil Sonawane, for respondents in both
writ petitions.

Mr. Ranjit A. Thorat, Senior Advocate a/w. Mr. Suryajeet Chavan, for
respondent No.5 in WP/2507/2016.

CORAM : R.D. DHANUKA &
KAMAL KHATA, JJ.
DATED : 4TH OCTOBER, 2022.

P.C. :

1. Learned counsel for the petitioner on instruction states that in view of the subsequent development which would be necessary to be brought on record, he seeks liberty to withdraw the petition with liberty to file fresh petition for the same cause of action and to bring the subsequent events on record.
2. Mr. Thorat, learned senior counsel for respondent No.5 opposes the liberty being sought by the petitioner on the ground that interim relief sought by the petitioner is already rejected by this Court after recording reasons. Petitioner may apply for interim relief after filing fresh writ petition to nullify the effect of the order already passed.
3. We grant leave to withdraw this petition with liberty to file a fresh petition in view of the subsequent events for the same cause of action by bringing the subsequent events on record.
4. It is however made it clear that if the petitioner applies for interim relief in the fresh petition on the same grounds or additional grounds, respondent No.5 would be at liberty to bring these facts

to the notice of the concerned division bench who would hear such interim application if filed by the petitioner.

5. Writ petition is dismissed as withdrawn with liberty as prayed subject to aforesaid conditions.
6. In view of the withdrawal of the writ petition, pending interim application stands disposed off.
7. Office is directed to de-tag the writ petition NO.576 of 2016 from writ petition No.2407 of 2016 and would be heard independently.

(KAMAL KHATA, J.)

(R.D.DHANUKA, J.)