

Chaitali Ekke

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

**INTERIM APPLICATION NO. 1385 OF 2021
IN
FIRST APPEAL NO. 318 OF 2003**

The Principal, Willingdon College of Deccan Education Society, Pune and Ors.	Applicants (Appellants ...in First Appeal)
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In the matter between

The Principal, Willingdon College of Deccan Education Society, Pune and Ors.	...Appellants
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V/s.

The Government of Maharashtra and Ors.	...Respondents
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Ms. Druti Datar, Advocate for Applicants.

Mr. A.R. Patil, Additional G.P for State/Respondent.

Ms. Shayamali Gadre a/w Ms. Harshita Bhanushali a/w Ms. Janhavi
Gaikwad i/b M/s. Little & Co., Advocates for Respondent No.3 (MIDC).

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**CORAM : K. R. SHRIRAM &
RAJESH S PATIL, JJ.**

DATED : 1st February, 2023

P.C.:

1 This Interim Application is taken out by Applicants to permit them to construct a compound wall along the boundary of the property, as denoted in the sketch annexed at Exhibit 5 to the said Application. Respondent No.3 MIDC opposed the Application stating that the boundary over which Applicants seek to erect a compound wall is on a piece of land which does not belong to Applicants but it belongs to MIDC.

2 Without going into the details, we shall only record the statement made by Ms. Datar today that Applicants would erect a compound wall only within the boundary of the land that belongs to Applicants. Ms. Datar, therefore, seeks leave to withdraw the Application with liberty to apply to MIDC / appropriate authorities for erecting a wall in the land that belongs to Applicants. Applicants shall satisfy MIDC / Concerned Authority that the proposed wall to be erected will not encroach in any property that does not belong to Applicants.

3 Concerned Authority / MIDC will consider the Application on its own merits and in any case for reasons mentioned in the Application, within four weeks of receiving the Application.

4 Application disposed.

5 We clarify that we have not made any observations on the merit of Application.

(RAJESH S. PATIL, J.)

(K. R. SHRIRAM, J.)