

HEMANT
CHANDERSEN
SHIV

Digitally signed
by HEMANT
CHANDERSEN
SHIV

Date:
2023.10.30
17:13:18
+0530

1/2

42.wp12657.23.doc

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

WRIT PETITION NO.12657 OF 2023

Masjid and Madarsa Dawoodullam
Jamiyan Aaluddin

... Petitioner

vs.

The State of Maharashtra & Ors.

... Respondents

Mr. Abhijit Kadam i/b Mahesh Mundaware with Prem Mhatre,
Sonali Sase for the Petitioner.

Mr. P. P. Pujari AGP for Respondent No.1-State.

Mr. Yogesh Patil i/b Mr. Vijay Patil for Respondent No.2-SRA.

Ms. Sneha Dedhiya for Respondent No.3.

CORAM : NITIN B. SURYAWANSHI, J.

DATED : 23RD OCTOBER 2023

P. C. :

1. Preliminary objection is raised as to maintainability of present Writ Petition on the ground that alternate efficacious remedy is available to the Petitioner under Section 35 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971.

2. Faced with this situation, learned Advocate for the Petitioner seeks permission to withdraw Writ Petition, with liberty to avail alternate remedy. Permission is granted.

3. Writ Petition is disposed of as withdrawn with liberty as prayed for.

4. It is made clear that while considering delay condonation in filing appeal, pendency of this Petition shall be taken into consideration.

5. If stay application is filed by Petitioner, Appellate Authority shall consider it expeditiously within four weeks from date of filing of stay application.

[NITIN B. SURYAWANSHI, J.]