

Varsha

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14099 OF 2023

Supreme Fabrics Pvt Ltd through Director & Anr ...Petitioners
Versus
Town Planning Department & Ors ...Respondents

Mr GR Agrawal, with Naina P Boraste, for the Petitioners.
Mr Vijay D Patil, for Respondent Nos. 1 & 2.
Mr AA Alaspurkar, AGP, for the Respondent-State.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 1st December 2023

PC:-

1. This Writ Petition is unnecessary. it should have been either an Interim Application or an amendment to the previously filed Writ Petition No 3134 of 2023 which this very Petitioner has filed against this very Municipal Corporation regarding the same subject matter, and which is still pending.

2. In Writ Petition No 3134 of 2023 there is an ad-interim order of 16th March 2023. The submission is that because that order was violated therefore the present Writ Petition is filed.

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3. We cannot think of a worse reason to file a fresh petition rather than file an Interim Application or to amend the previous Writ Petition or both. The Petitioners are permitted to withdraw this Writ Petition and to refile the Writ Petition as an Interim Application in Writ Petition No 3134 of 2023.

4. We take the liberty of immediately granting leave to amend Writ Petition No 3134 of 2023 without need of re-verification to incorporate any fresh or additional grounds and subsequent facts in that Writ Petition. Amendments are to be carried out by 8th December 2023 without need of re-verification. A copy of the amended Petition is to be served on the Advocates for the Respondents by 12th December 2023.

5. List the matter on 14th December 2023.

6. Since Mr Patil learned Advocate for the Corporation has at least the benefit of both Writ Petitions, the form these actions take does not matter and he should be able to file a reply or at least obtain sufficient instructions by 14th December 2023.

7. We make it clear that we have not vacated or modified the order of 16th March 2023 and that it continues in every respect.

(Kamal Khata, J)

(G. S. Patel, J)