

SA Pathan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14929 OF 2023

Umesh Prataprao Shirole	... Petitioner
V/s.	
Dhariwal Malu Associates & Ors	... Respondent

Mr. Mandar Limaye a/w Ms. Tanvi *Kamat Deosthale* for
Petitioner.

Mr. Abhijit Kulkarni a/w Ms. Sweta Shah, for
Respondent Nos. 2 & 3 (PMC).

Mr. V. P. Sawant, Sr. Advocate a/w Mr. Shekhar V. Mane
i/by Mr. Prabhakar M. Jadhav, for Respondent No. 1.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 4, 2023

P.C.:

1. Learned Advocate for the petitioner on instructions of petitioner makes a statement that the suit structure was *never* demolished earlier. The statement is accepted.
2. Learned Advocate for the petitioner on instructions seeks permission to withdraw *Regular Civil Suit No.127 of 2016* with liberty to file application under Section 53 of the Maharashtra Regional and Town Planning Act of 1966 for regularization of the suit structure.
3. Permission, as prayed for, is granted.

4. Such application shall be filed within two weeks from today. The Planning Authority shall decide such application within two weeks thereafter.
5. The order is passed at 4:40 pm on 4 December 2023. Status-quo as of 4:40 pm on 4 December 2023 shall be maintained till the decision by the Planning Authority on the application for regularization filed by petitioner.
6. It is made clear that such regularization application shall be decided on merits only if similar application was not filed previously in respect of suit structure.
7. Learned Advocate for the petitioner on instructions states that except Regular Civil Suit No.127 of 2016, no other suit is pending in respect of suit structure. Statement is accepted.
8. With this clarification, the writ petition stands disposed of.

(AMIT BORKAR, J.)

Note : This order is modified as per order dated 6 December 2023. Corrections in notes of appearance, paragraph 1 and paragraph 2 are shown in italicize.