

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16241 OF 2023

Tejas Bhagwan Bodke

...Petitioner

*Versus*

State of Maharashtra & Ors.

...Respondents

Mr. Nitesh Bhutekar a/w Ms. Gargi Warunjikar i/by Mr. Ajinkya Udane  
for the Petitioner.

Mr. P. G. Sawant, AGP for Respondent No.1 (State)

Mr. Deepak More for the Respondent (PCMC).

CORAM : KAMAL KHATA,  
JITENDRA S. JAIN, JJ.

DATE : DECEMBER 26, 2023  
(Vacation Court)

PC.:

. Not on board. Mentioned. Taken on board.

2. This petition has filed by a person other than the noticee in the notice dated 1<sup>st</sup> December 2023. By an order dated 10<sup>th</sup> November 2022 annexed at Exhibit-E page 115 of the Petition, it was made clear that if it was found that the writ petitions were filed by the some person/s other than the person/s who were issued notices by the Municipal Corporation or by persons who had not applied for regularization under Section 44 of the Maharashtra Regional and Town Planning Act, 1966 (for short "MRTP Act"), such petitions would be dismissed with

exemplary costs. Pursuant to this order, petition was disposed of as withdrawn with liberty to file a fresh petition.

3. This petition is again filed by the person/s who are not the noticee in the impugned notice. There are also no averments in the petition with regard to why the petitioner has filed this petition instead of the noticee.

4. It is not the case of the petitioner that they are the owners or that they have filed an application under Section 44 of the MRTP Act before the Appropriate Authority.

5. The averments in the petition in para no.12 read thus:

*“12. The Petitioner states that there after the Petitioner through one Mrs Swati Anand Bahirat had filed one more Civil Writ Petition No. 15183 of 2022 in respect of the Order dated 24<sup>th</sup> November 2022. The True Copy of the Case Status of the Pending Civil Writ Petition No.15183 of 2022 along with death certificate of Husband of Swati Anand Bahirat is annexed to the Memo of this Civil Writ Petition and is marked as **EXHIBIT – F.**”*

5. At this stage, the learned counsel for the petitioner seeks leave to withdraw the petition. Petition is dismissed as withdrawn with costs of Rs.1,00,000/- payable to the Kirtikar Law Library, Mumbai to be paid within a period of one week from today.

[JITENDRA S JAIN, J.]

[KAMAL KHATA, J.]