

Wadhwa

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15447 OF 2023

Ajmal Rafi Ahmad Patel

...Petitioner

Versus

The Commissioner of Sangli Miraj And Kupwad
& Anr

...Respondents

Mr Suryajeet P Chavan, for the Petitioner.

Mr Vikram Walawalkar, for the Respondent.

CORAM M.S. Sonak &
Kamal Khata, JJ.
DATED: 20th June 2024

PC:-

1. Heard learned counsel for the parties.

2. The challenge in this Petition is to the impugned communication dated 22nd November 2023 in terms of which the Petitioner's building permission was cancelled for opening unauthorized windows on a portion which was supposed to be a dead wall under the approved plans.

3. The learned counsel for the Petitioner, on instructions, states that the windows have now been closed and the dead wall is restored

as per the approved plans. Mr Walawalkar, learned counsel for the 1st and 2nd Respondent accepts this position.

4. Mr Chavan, the learned counsel for the Petitioner again, on instructions, states that the windows will not be reopened and the Petitioner also filed an Affidavit to the effect that the dead wall in terms of the approved plans will be maintained for all times. These statements are accepted as undertakings to the Court.

5. Now that the windows are closed, the dead wall is restored and this portion of the construction is in accord with the approved plans, there is no question of terminating the building permission and the occupancy certificate. Accordingly, the impugned communication is formally quashed after accepting the statement that the Petitioner has complied with the directions issued and the decision is pointed out.

6. Petition is disposed of in the above terms.

7. There shall be no order as to costs.

(Kamal Khata, J)

(M.S. Sonak, J)