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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5260 OF 2017

The Dheeraj Gaurav Heights ... Petitioner

vs.

M/s. Saphire Land Development Private ... Respondents
Limited and Ors

Mr. Mukesh Vashi, Senior Advocate alongwith Panthi Desai, i/b. M/s. M.P. Vashi and Associates, for Petitioner.

Ms. Mehek Chowdhary i/b. Jhangiani, Narula and Associates for Respondent No.3.

Mr. Syed Ahmed, for Respondent No.5.

Mrs. M.S. Bane, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 4th MARCH, 2024

P.C. :-

1. Learned Senior Counsel appearing for the petitioner on instructions seeks leave to withdraw the application filed by the petitioner under section 11 of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) Act, 1963, for grant of deemed conveyance with liberty to agitate the grievance and contentions of the petitioner in the pending Civil Suit which is already filed by the petitioner.

2. Leave granted with liberty as prayed. Hence, the petition is disposed of by passing following order:

I) Petitioner is granted leave to withdraw the Application No. 14 of 2016, which was filed before respondent no.7. Consequently, the order impugned in the petition passed on 18th August 2016, by the Competent Authority on the said application would not survive and hence, quashed and set aside.

II) Petitioner is at liberty to agitate the grievance and contentions in the said Application No. 14 of 2016, in the pending Civil Suit No. 2318 of 2009, before this Court, which is filed by the petitioner.

3. It is clarified that, I have not examined the rival contentions of the parties on merits. Hence, all contentions of all parties are kept open.

4. Writ petition is disposed of in the above terms.

(GAURI GODSE, J.)