



Darshan Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7853 OF 2024

Bebby Abhimanyu Gole and Anr.

...Petitioners

Versus

The Union of India and Ors.

...Respondents

Mr Yuvraj Narvankar, for Petitioners.**Mr A A Alaspurkar, AGP, for the Respondent-State.****Mr Abhijit Kulkarni, a/w Mr Gourav Shahane, Mr Krushna
Jaybhay, Ms Sweta Shah, for the Respondent-PMC.**

**CORAM M.S. Sonak &
 Kamal Khata, JJ.**
DATED: 03rd July 2024

PC:-

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioners seeks leave to withdraw this petition with liberty to challenge the communication dated 24 May 2024, issued after the institution of this petition that declines the regularisation of the petitioners' structure. In addition, the petitioners also wish to institute a suit to seek certain other reliefs in relation to the structure which is the subject matter of this petition.
3. Even before any such suit is instituted, Mr Kulkarni on behalf of the corporation submits that the suit would not be maintainable.

He relies on Section 149 of the Maharashtra Regional and Town Planning Act, 1966 (“**MRTP Act**”).

4. At this stage, we can not be called upon to decide such an issue. The fact that we are granting leave to withdraw this petition with liberty to institute the suit does not mean that the suit if it is otherwise not maintainable under law, becomes maintainable.

5. With the above clarification, we grant the petitioners’ leave to withdraw this petition with liberty to file appropriate proceedings before the appropriate forum. If such proceedings are filed we clarify that all contentions of all parties are explicitly kept open.

6. The Writ Petition is disposed of as withdrawn with liberty in the above terms.

(Kamal Khata, J)

(M.S. Sonak, J)