

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12631 OF 2022

SHABNOOR
AYUB
PATHAN

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SHABNOOR AYUB
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Date: 2025.01.21
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Akshay Ashok Shinde

... Petitioner

V/s.

Kolhapur Municipal Corporation,
Kolhapur Through
Commissioner & Ors.

... Respondents

Mr. Sandeep Koregave, for petitioner.

Ms. Nimisha Sharma i/by Mr. Abhijit Adagule (through
V. C.) for respondents.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2025

P.C.:

1. The learned Advocate for the petitioner, on instructions, seeks permission to withdraw the suit with liberty to file an application for regularization of structure. Hence, following order:

(i) The petitioner is permitted to withdraw Regular Civil Suit No.913 of 2021. The suit shall be withdrawn within four weeks from today.

(ii) The petitioner shall file an application for regularization of structure described in paragraph 1 of the plaint as per Section 53 of the Maharashtra Regional and Town Planning Act, 1966 in prescribed form through architect within 4 weeks from today.

(iii) The Kolhapur Municipal Corporation shall decide petitioner's

application within three months from the date of receipt of such application.

(iv) In case, the application for regularization is rejected, the interim relief granted shall be continued for period of two weeks from the date of communication of such order.

(v) During pendency of the application for regularization, the suit structure shall not be demolished.

2. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)