

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 7426 OF 2024**

Voltas Employees' CHS Ltd. & Ors.

... Petitioners

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Bhavesh Parmar a/w. Ms. Reshma Nair & Mr. Rahul Gaikwad i/b. Mr. Devmani Shukla for Petitioners.

Ms. Snehal S. Jadhav, A.G.P for Respondent No.1-State.

Mr. Mandar Limaye for Respondent Nos.2 & 3.

Mr. Girish Godbole, Senior Advocate a/w. Mr. Viraj Parikh & Ms. Saakshi Saboo i/b. Tri Legal for Respondent Nos. 4 & 5.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 21st April 2025.

P.C. :

1) Mr. Sangram Kanade, Assistant Director Town Planning of Respondent No.2-Corporation has filed an Affidavit-in-Reply dated 4th February 2025. In para No.2 thereof, he has stated that, neither plot occupied by the Petitioner nor its FSI is taken into consideration while sanctioning the plans of Respondent No.5. That, the Petitioners case is based on factual incorrect premise.

2) There are various other disputed questions of facts involved in the present Petition including submission of incorrect plan and execution of rectification deed.

3) In view thereof, Advocate Mr. Parmar on instructions seeks leave to withdraw Petition with liberty to avail appropriate remedy before the Civil Court having jurisdiction, for adjudication and crystallization of Petitioners rights.

Leave and liberty granted.

4) Disposed off as withdrawn with aforesaid liberty.

5) In case the Petitioners files the Civil suit, the contentions of both the parties are expressly kept open, to be agitated before the concerned Court, as may be permissible in law.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

OMKAR
SHIVAHAR
KUMBHAKARN
Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2025.04.24
11:44:37 +0530