

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1431 OF 2024

Laxmi Asbestos Products Ltd.

...Petitioner

Vs

State of Maharashtra & Ors.

...Respondents

Mr. Rajeev Carvalho, Mr. Samarth Chowdhary, Mr. Sourasubha Ghosh, Mr. Aditya Trivedi i/b. IndusLaw, for Petitioner.

Mr. Milind More, Addl. Govt. Pleader, for State.

Mr. G. S. Godbole, Senior Advocate with Ms. K. H. Mastakar i/b. Ms. Komal Punjabi, for Respondent Nos.2 to 4-BMC.

CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.

DATE: 25th JULY 2025.

P.C.

1. We have heard learned Counsel for the parties on the present petition.
2. This petition under Article 226 of the Constitution is filed praying for the following substantive reliefs:-

“(a) that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent Nos.1 to 3 to delete reservations on Plots bearing CTS Nos.1A/4 and 1030 in Survey No.161 (Part) (Plot Nos.20 and 142) of village Pahadi, Goregaon (West), Mumbai 400104, as in reinstated in the 2022 DP Notification and permit Petitioner to use it as Residential Zone, in accordance with law;

(b) that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent Nos.1 to 3 to delete reservation on Plots bearing CTS Nos.1A/5 to 1A/9 (Plot No.20) in Survey no.161 (Part) of village Pahadi, Goregaon (West), Mumbai 400104, as confirmed under 2018 DP Notification and permit petitioner to use it as Affordable Housing Zone, as recommended by the Planning authority.

(c) that this Hon’ble Court may be pleased to issue a Writ of Mandamus or any other writ in the nature of Mandamus directing the Respondent Nos.1 to 3 to delete reservation on Plots bearing CTS Nos.1A/23 (Plot No.11) in Survey No.161 (Part) of village Pahadi, Goregaon (West), Mumbai 400104, as confirmed under 2018 DP Notification and permit petitioner to use it as residential Zone in terms

of the order passed by this Hon'ble Court in PIL No.3 of 2012.

(d)that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ in the nature of Mandamus directing the Respondent Nos.1 to 4 to reinstate CTS No. 1A/157 (Plot No.189) in the revised Development Plans in accordance with the CTS Plan submitted by the Petitioner vide its Letter dated 19 June 2019 and thereafter delete the Reservation of Coastal Road and Natural Area on the said Plot No.1A/157."

3. From the perusal of the memo of the petition and the contentions as urged on behalf of the petitioner, the grievance of the petitioner is seen to be in regard to the prolonged reservation of the petitioner's plot of land and subject matter of the present petition, and the inaction on the part of the respondents as the land being not acquired.

4. On the proceedings being heard for some time, learned Counsel for the petitioner, on instructions, seeks leave to withdraw this proceedings with liberty to the petitioner to take recourse to appropriate remedies as may be available in law, keeping open all contentions of the petitioner including the contentions as raised in the present petition.

5. In the facts and circumstances of the case, the request as made on behalf of the petitioner needs to be accepted.

6. Accordingly, the petition is permitted to be withdrawn with liberty as prayed for. All contentions of the parties are expressly kept open.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)