

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 3095 OF 2024
WITH
INTERIM APPLICATION NO. 11336 OF 2024**

Narhar Narayan Mhatre & Ors. ... Petitioners

V/s.

Mira Bhaynadar Municipal Corporation & Ors. ... Respondents

Mr. Y.S. Jahagirdar, Senior Advocate a/w Mr. A.R. Gole for Petitioners.

Mr. N.R. Bubna i/b Mr. Mayuresh Lagu for Respondent No.1.

Mr. R.D. Suryawanshi i/b Mr. Suraj N. Naik for Respondent No.2.

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

DATE : 23rd April 2026

P.C. :

1) Mr. Suryawanshi, learned Advocate appearing for Respondent No.2 raised a preliminary objection about the maintainability of the Petition. He submitted that, impugned Order is under Section 45 of the Maharashtra Regional and Town Planning Act (MRTP Act) against which a substantive statutory Appeal provision is provided under Section 47 of the said Act. That, without availing the said alternate statutory remedy, the Petitioner has directly approached this Court under Article 226 of the Constitution of India.

2) In view thereof, Mr. Jahagirdar, learned Senior Advocate appearing for the Petitioner on instructions from Petitioner No.5 seeks leave to withdraw Petition with liberty to avail the said alternate statutory remedy under Section 47 of the MRTP Act before the State Government.

2.1) Leave and liberty granted.

3) Petition is disposed off as withdrawn with aforesaid liberty.

4) In view of disposal of Petition, Interim Application No. 11336 of 2024 pending therein, does not survive is also disposed off.

5) Ad-interim relief, if any granted earlier, to continue for a period of four weeks from today.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)