

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.1824 OF 2005

Ashok Vinaykumar Oza ..Petitioner

V/s.

Competent Authority (ULC) & ors ..Respondents

Mr.D.R.Shah, Advocate, for petitioner

Mr.D.A.Nalawade, Government Pleader, for the
respondent Nos.1 to 3

Mr.V.A.Gangal with Mr.Ashok Gade i/b.Mr.Appasaheb
S. Desai, Advocate, for respondent No.4

Ms.P.A.Purandare, Advocate, for BMC

**CORAM : J.N.PATEL &
K.U.CHANDIWAL, JJ.**

DATE : 16TH JULY, 2008

P.C.

. Heard.

2. On 21st April, 2008 the learned counsel appearing on behalf of the petitioner wished to withdraw the petition with liberty to file appeal. It was pointed out by the learned counsel appearing on behalf of respondent No.4 that there is no such appeal which lead to the passing of the Order by this Court disclosing that the learned counsel

appearing on behalf of the petitioner wished to withdraw the petition with liberty to file appeal. It is specifically mentioned that this Order is passed without prejudice to the rights and contentions of either of the parties.

3. On the subsequent date i.e. on 11th June, 2008 the matter was again listed before us where the learned counsel for defendant No.4 was directed to place on record their request made to the State Government for allotment of a bigger plot in lieu of the plot which is stated to be allotted and is the subject matter of the Writ Petition. In this background, we find that the Order passed by this Court dismissing the Writ Petition will have to be recalled. We, therefore, recall the order. Writ Petition stands restored.

4. The learned counsel appearing for respondent No.4 states that he will file required documents alongwith additional affidavit on the next date.

5. Stand over for two weeks.

(J.N.PATEL, J.)

(K.U.CHANDIWAL, J.)