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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10799 OF 2015
IN
WRIT PETITION NO.2289 OF 2013

Sakharam Bandu Gaikwad

APPLICANT

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. S.D. Karkare, Advocate for the applicant

Mr. V. G. Shelke, AGP for respondent State

Mr. B. S. Shinde, Advocate for respondent No.7

Mr. S. S. Gangakhedkar, Advocate for respondent No.4

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[CORAM : SUNIL P. DESHMUKH, J.]**DATE : 16th OCTOBER, 2015****ORDER :**

1. This application has been moved for vacation of interim stay granted by this court vide order dated 20th March, 2013 in writ petition No.2289 of 2013 to the extent of land of the applicant. Learned advocate for the applicant states that as far as land gut No.127 which is portion of land forming part of erstwhile survey No.94 situated at village Malegaon Thokar, Taluka-Kannad, District – Aurangabad is concerned, the same was not subject matter of dispute involved in writ petition bearing No.2289 of 2013.

2. Learned advocate for the original petitioner-present respondent No.7 states that gut No.127 had been generally referred to, since it earlier on formed part of survey No.94 and applicant's portion of land is not concerned in the writ petition, according to the instructions given to him by his client. Learned advocate for original petitioner places on record a photo copy of a communication received by him from original petitioner. The photocopy of the communication dated 21st August, 2015 is taken on record and marked "X" for the purpose of identification.

3. In the circumstances, to the extent to which the applicant's land is concerned in the writ petition, original petitioner has no objection to grant the application.

4. In view of the same, civil application stands allowed in terms of prayer clause "B" and stands disposed of.

[SUNIL P. DESHMUKH, J.]