

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4550 OF 2014

GANGASAGAR ANNASAHEB LABADE
VERSUS
THE DY. COMMISSIONER(ENT.DUTY) DIVISION
AURANGABAD AND OTHERS

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Advocate for Petitioner : Mr. P.B.Kadam h/f Mr. S.J. Salunke
AGP for Respondents 1,2 : Mr. K.J.Ghute Patil
Advocate for Respondent 3 : Mr. S.B. Gothwal

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CORAM : V.K. JADHAV, J.
Dated: January 16, 2015

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PER COURT :-

1. Heard learned counsel Shri Kadam h/f Mr. Salunke for petitioner, learned AGP Mr. Ghute Patil for respondents No.1 and 2 and Mr. Gothwal, learned counsel for respondent no.3.

2. The petitioner has challenged the sanctioning of mutation entry No.648 before the Sub Divisional Officer, Parbhani. The S.D.O. Parbhani by order dated 9.3.2012 allowed the appeal and thereby directed the authorities below to cancel the mutation entry No.648. Being aggrieved by the same, the respondent No.3 herein has preferred an appeal before the Additional Collector, Parbhani, who by order dated 10.5.2012 partly allowed the appeal and set aside the order passed by the S.D.O. Parbhani and further

directed the Tahsildar, Purna to take appropriate decision in respect of the mutation entry No.648 by following proper procedure within two months. Against this order, the petitioner filed revision petition before the Divisional Commissioner, Aurangabad Division, Aurangabad who by order dated 29.6.2013 confirmed the order passed by the Additional Collector, Parbhani as stated above. The petitioner has challenged the order passed by the Additional Collector, Parbhani and also order of confirmation passed by the Deputy Commissioner, Aurangabad Division, Aurangabad in this writ petition.

3. Learned counsel for respondent No.3 submits that, during the pendency of this writ petition, the Tahsildar Purna has taken appropriate decision in respect of the Mutation entry No.648 as directed to him by the Additional Collector, Parbhani vide order dated 9.10.2013. The learned counsel for the petitioner, thus, submits that cause for filing the present writ petition has been rendered infructuous due to the subsequent development and thus, on instructions, he seeks to withdraw the writ petition with liberty to challenge the order passed by the Tahsildar, Purna dated 9.10.2013 before the appropriate Forum.

4. The Writ Petition stands disposed of as withdrawn with liberty as prayed for. No costs.

(V.K. JADHAV, J.)

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aaa/-