

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2899 OF 2014
WITH
WRIT PETITION NO.2326 OF 2014
WITH
WRIT PETITION NO.2773 OF 2014

M/s. Kachhi Properties through its partners
Salim Gafer Kachhi and others ... Petitioner
Vs.
Dnyaneshwar Mansing Phadtare and others ... Respondents

Mr. Datta Mane i/b. Mr. Madhav V. Thorat for Petitioner.
Mr. P. S. Dani, Senior Advocate i/b. Mr. Vishwajeet Mohite for Respondent
No.1 in all the Petitions.
Mr. Shailesh S. Kharat i/b. Mr. Balasaheb Ghorpade for Respondents No.2A to
2D, 3 and 4.

CORAM : R. G. KETKAR, J.
DATE : 11TH SEPTEMBER, 2015

P.C. :

Not on Board. At the joint request of the learned Counsel appearing for the parties, taken up for admission.

2. Heard Mr. Mane, learned Counsel for petitioner, Mr. Dani, learned Senior Counsel for respondent No.1 and Mr. Kharat, learned Counsel for respondents No.2(A) to 2(D), 3 and 4.

3. By these Petitions under Articles 226 and 227 of the Constitution of India, petitioner has challenged the - (i) order dated 22.10.2012 passed by the Additional Commissioner, Satara in Appeal and (ii) order dated 17.09.2013 passed by the Additional Commissioner, Pune Division, Pune in Revision Application.

4. Learned Counsel appearing for the parties submit that petitioner and respondents No.2 to 4 have filed consent terms in these Petitions. They further submit that petitioner and respondent No.1 have filed consent purshis in the Court of Civil Judge, Senior Division, Satara in Special Civil Suit No.525 of 2011. They further submit that the controversy is only between petitioner and respondents No.1, 2A to 2D, 3 and 4 and no other party is involved in that controversy. They jointly pray for allowing the Petitions by setting aside the impugned orders thereby restoring mutation entry No.5718 of Survey No.3/1B/1/1C of Jadhav Wadi, Taluka Phaltan, District Satara as also N.A. order dated 03.03.2011 and construction permission dated 21.04.2011, both, granted by Sub-Divisional Officer, Phaltan.

5. In view thereof, by consent of the parties, impugned orders are set aside and mutation entry No.5718 as well as N.A. order dated 03.03.2011 and the construction permission dated 21.04.2011, both, are restored. Petitions are disposed of with no order as to costs. Parties to act on the authenticated copy of this order.

(R. G. KETKAR, J.)

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CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment / Order.