

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

**WRIT PETITION NO. 2604 OF 2011
WITH
CHAMBER SUMMONS NO. 192 OF 2012**

Ranjan Mitchell and Ors.	}	Petitioners
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. Rajiv Narula with Mr. Bhupesh Dhumatkar
i/b. M/s. Jhangiani Narula and Associates for
the Petitioners.

Mr.N.PPandit-AGP for Respondent Nos. 1 to 3.

Mr. Bhavin Bhatia for Respondent No. 5.

Mr. Vijay D. Patil for Respondent No. 4.

Mr. S. R. Singh for Respondent No. 6.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- NOVEMBER 18, 2015

P.C. :-

When this Petition was partly heard on the earlier occasion and prior to vacation, it was posted today for further arguments. Mr.Narula, learned Counsel appearing for the Petitioners, on instructions, states that the Petitioners are not seeking any relief in terms of prayer clauses (a), (b), (b1), (c) and (d) of the Writ Petition. Meaning thereby, the Petitioners have instructed him to give up the

challenge to all state actions and that of the statutory authorities. However, during the pendency of the Petition, the Petitioners before us and the private Respondents, namely Respondent Nos. 5 and 6 have settled the matter as between them and drawn up Consent Terms. That is the additional reason for the Petitioners to give up their challenge. Mr. Narula prays that these terms be taken on file but it be clarified that no order in furtherance of these Consent Terms is being passed by this Court.

2) Though we tried our best to persuade the parties not to tender such Consent Terms nor request to take them on file of these proceedings, yet, in the light of this request made and in the facts peculiar to this case, we take the Consent Terms on file. It is stated that these terms are duly signed by the respective Advocates, Petitioner Nos. 3 and 4 and Respondent Nos. 5 and 6, after all the consequences of the same are duly explained to them. It is reported that Petitioner Nos. 1 and 2 have relinquished their right, title and interest in the subject immovable property in favour of Petitioner Nos. 3 and 4 and that is the reason why they have not signed the Consent Terms.

3) The Writ Petition is disposed of as withdrawn. The Consent Terms are taken on record, but, we clarify that no order in furtherance thereof has been passed by this Court. Needless to clarify that none of

the clauses or paragraphs of the Consent Terms shall bind the State or any statutory authorities.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)