

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 7564 OF 2016**

Shankar Raghmal Rohida

..Petitioner

Vs.

**The Deputy Superintendent of
Land Records & Ors.**

..Respondents

**Mr. S. M. Gorwadkar Senior Advocate i/b Mr. S. H. Gangal for the
Petitioner**

Mrs. V. S. Nimbalkar AGP for the Respondent Nos.1 & 2

**Mr. P. S. Dani, Senior Advocate i/b Mr. T. D. Deshmukh for the Respondent
No.3**

Mr. V. A. Sugadare for the Respondent No.4

Mr. Abhijit Kulkarni a/w Mr. Sameer Khale for the Respondent No.5

CORAM : R. M. SAVANT, J.

DATE : 15th APRIL, 2016

P.C.

1 The order dated 15-2-2016 passed by the Deputy Superintendent of Land Records, Haveli, District Pune, is taken exception to by way of the above Petition.

2 This Court had issued notice in the above Petition on 18-3-2016 to the Respondents as this Court was prima facie of the view that in passing the impugned order dated 15-2-2016 the order dated 8-2-2016 passed by the Learned Single Judge M.S. Sonak was sought to be overreached. The reasons for coming to the said prima facie view have been mentioned in the later part

of the said order dated 18-3-2016 passed in the above Petition. This Court had therefore directed the author of the said order i.e. the Deputy Superintendent of the Land Records to file his own affidavit explaining the circumstances in which he has passed the said order dated 15-2-2016. Pursuant to the said directions, the Respondent No.3 i.e. the Deputy Superintendent of Land Records has filed an Affidavit in this court dated 11-4-2016. In the penultimate paragraph of the said affidavit, it has been stated by the Respondent No.3 that he is ready to withdraw the said order dated 15-2-2016. Though prima face the reason mentioned in the said affidavit as to why he passed the said order dated 15-2-2016, does not make a satisfactory reading, however, since amends are now sought to be made by withdrawing the impugned order dated 15-2-2016, this Court does not deem it appropriate to continue with the inquiry in the above Petition as the Respondent No.3 has already filed an Appeal. The statement of the Respondent No.3 who is personally present in Court that he would withdraw the said order dated 15-2-2016 is accepted. The said order would accordingly stand withdrawn.

3 In view thereof, the cause for filing the above Petition does not survive. The above Petition to stand disposed of.

4 The Respondent No.3 as indicated above has filed an Appeal before the Deputy Superintendent of Land Records, Haveli, the Learned Senior

Counsel Mr. Dani states that the copy of the Appeal would be served on Mr. Gangal the Advocate on record for the Petitioner by tomorrow i.e. 16-4-2016. Statement accepted. The Superintendent of Land Records, Haveli is directed to dispose of the Appeal expeditiously. Needless to state that the same would be on its own merits and in accordance with law.

[R.M.SAVANT, J]