

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10868 OF 2016

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| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr.Bharat L. Gandhi i/b Mr.S.V.Newaskar for the petitioner

Mr.Vishal C.Ghosalkar for the respondent no.1

Mr.S.B.Kalel, A.G.P. for the respondent nos.3 to 5

**CORAM : K. K. TATED, J.**

**DATE : SEPTEMBER 22, 2016**

**P.C.:**

1 Heard the learned counsel for the parties.

2 By this Petition under Article 227 of Constitution of India, the petitioner challenges the order dated 20.7.2016 passed by learned District Magistrate, Thane in Application No.12 of 2016.

3 During the course of argument, the learned counsel for the petitioner placed on record the photo copy of letter dated 3.9.2016 issued by Circle Officer, Thane to the Police Commissioner, Thane for providing police protection for taking possession of the suit property i.e. flat no.703, 7<sup>th</sup>

floor, Flower Valley Complex Co-op. Housing Society Ltd., Eastern Express Highway, Thane (West).

4 The main contention of the petitioner is that the authority issued the letter dated 3.9.2016 under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. He submits that nowhere it is stated in the said letter that they want to execute the order passed by the learned District Magistrate, Thane dated 20.7.2016 passed in Application No.12 of 2016. Hence, respondent may be restrained from taking possession of the suit property.

5 On the other hand, the learned A.G.P. for respondent nos.3 to 5 made a statement that Circle Officer, Thane by mistake issued a letter dated 3.9.2016 stating the subject under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. He submits that they will issue proper notice as per order passed by learned Magistrate, Thane dated 20.7.2016. Statement is accepted.

6 At this stage, the learned Counsel for the petitioner seeks liberty to withdraw the present petition in view of the statement made by the learned A.G.P. To that effect he has given in writing on farad. Same is taken on record and marked 'X' for identification. Same is accepted.

7 Writ Petition stands dismissed as withdrawn.

JUDGE