

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

Amk

WRIT PETITION NO. 2672 OF 2015

M/s. Godrej and Boyce Mfg. Co. Ltd. ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

WITH
CHAMBER SUMMONS NO. 45 OF 2016
IN
WRIT PETITION NO. 2672 OF 2015

Jyotiram Shankar Shedge ...Applicant/Intervener

In the matter between

M/s. Godrej and Boyce Mfg. Co. Ltd. ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

.....

Dr. Veerendra Tulzapurkar, Sr. Advocate i/b Mandar Soman for the
Petitioner.

Ms. Geeta Shastri, AGP for Respondent Nos.1 to 7/State.

Mr. Jyotiram Shedge, Intervener in person.

CORAM : S. C. GUPTE, J.
DATE : 12th APRIL, 2016.

P. C. :

1. Learned counsel for the petitioner seeks leave to withdraw
the petition with liberty to file an appeal under Section 247 of the

Maharashtra Land Revenue Code, if this Court continues the ad interim relief granted on 28th October, 2015 until the Appellate Authority considers the appeal. Learned counsel for respondent Nos.1 to 7 submits that in that case the respondents should be permitted to withdraw the amount deposited by the petitioner and this Court may also direct the Appellate Authority to dispose of the appeal in a time bound schedule.

2. The petition is dismissed as withdrawn with liberty as prayed.

3. The petitioner may file an appropriate appeal under the Maharashtra Land Revenue Code within a period of 4 weeks. The Appellate Authority shall dispose of the appeal within a period of 12 weeks of the filing of the appeal.

4. The office to permit respondent Nos. 1 to 7 through their Advocate to withdraw the amount deposited by the petitioner in this Court along with accrued interest, if any.

5. The ad interim order granted on 28th October, 2015 shall continue until the Appellate Authority disposes of the appeal.

6. In view of this order, the Chamber Summons taken out by the applicant/intervener need not be considered and the same is disposed of with liberty to apply for intervention before the Appellate

Authority.

7. Having regard to the fact that this petition was pending before this Court and that too under an order of ad interim relief on deposit of amount passed by this Court, the Appellate Authority shall consider the pendency of the present petition for condonation of delay as and when any application for condonation is filed by the petitioner. Needless to add that the withdrawal of the money by respondent Nos.1 to 7 in terms of this order shall be on the basis of a corresponding duty on the part of respondent Nos.1 to 7 to bring back the withdrawn amount in the event of the disposal of the proceeding in favour of the petitioner.

8. In the event the petitioner does not file the proposed appeal in the stipulated period, the interim order passed herein shall stand vacated.

(S. C. GUPTE, J.)