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

PIL WRIT PETITION NO.2510 OF 2001

Shekhar Shetty

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

Mr. H.S. Khokhawala i/by M/s. Nankani & Associates for the Petitioner.
Mr. Abhay Patki, Additional Government Pleader for the Respondent
Nos.1 to 3 and 5.

Mr. Durgaprasad Poojari i/by PDS Legal for the Respondent No.4.

**CORAM : A.S. OKA &
A.A. SAYED, JJ.**

DATE : 14th OCTOBER, 2016

PC.

1 When the Petition is called out, the learned counsel appearing for the Petitioner seeks permission to withdraw the Petition. Since this Petition is filed in public interest and Rule has been issued, the Petitioner cannot be permitted to withdraw the Petition.

2 The challenge in this PIL is to the order dated 29th April, 1997 passed by the Hon'ble Minister of Revenue Department of Government of Maharashtra.

3 The learned AGP has placed on record the judgment and order dated 18th July, 2009 passed by a Division Bench of this Court in

Writ Petition No.1202 of 2001 (Gorai Machhimar Sahakari Sanstha Limited and Anr. vs. The State of Maharashtra and Ors.). By the said judgment and order, the aforesaid impugned order dated 29th April, 1997 was set aside. However, the Division Bench clarified that pending Suit No.1169 of 1981 may be decided on its own merits and in accordance with law. The said judgment dated 18th July, 2009 was subjected to a challenge by the third Respondent in Writ Petition No.1202 of 2001 by filing SLP (C) No.9403 of 2013. By order dated 21st October, 2013 the said Appeal was disposed of by the Apex Court in the light of settlement before the Apex Court. The order of this Court dated 18th July, 2009 in Writ Petition No.1202 of 2001 was set aside by the Apex Court and the order impugned herein dated 29th April, 1997 was restored and confirmed.

4 In the light of the order of the Apex Court dated 21st October, 2013, Suit No.1161 of 1989 has been disposed of by the learned Single Judge by order dated 7th April, 2014. In view of the aforesaid order of the Apex Court, now this Petition challenging the order dated 29th April, 1997 cannot be entertained as the said order has been upheld by the Apex Court. Accordingly, we dispose of the Petition. Rule is discharged. No order as to costs.

(A.A. SAYED, J)

(A.S. OKA, J)