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

WRIT PETITION NO.1153 OF 2016

Bharat Shashikant Shah

... Petitioner

Vs.

The State of Maharashtra and Ors.

... Respondents

Ms. Saumya Srikrishnan i/by Beri & Co. for the Petitioner.

Mr. Manish Upadhyay, AGP for the Respondent No.1.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 30th NOVEMBER, 2016

P.C.

. **Not on board. Taken on board.**

1 Heard the learned counsel appearing for the Petitioner. Admittedly, the Petitioner executed an agreement dated 30th December 2004 in favour of one Yasin Mehmood Sayyed by which he agreed to transfer the tenement subject matter of this Petition which was allotted to him to said Yasin. In clause 3 of the said agreement it is recorded that the Petitioner has surrendered all his rights, title, interest or claim over the said tenement forever in favour of the purchaser (Yasin) and that the purchaser Yasin is put in possession. Consideration mentioned in the said document is of Rs.4,85,000/-. Admittedly, there is a receipt

recorded on the said document by the Petitioner himself recording that he has received consideration of Rs.4,85,000/-.

2 At this stage, the learned counsel appearing for the Petitioner seeks permission to withdraw the Petition with liberty to file appropriate proceedings before the Civil Court. Accordingly, the Petition is disposed of with liberty as prayed. All contentions on merits are kept open.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)