

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 3360 OF 1994

Sayyad Gafoor S/o Syed Yasin
age 52 years occupation business
R/o Parali Vaijnath District Beed.,
Prop. Swastik Saw Mill alias Rahim Saw Mill,
Parali Vaijnath (DIED)
Through: legal representatives:

1. Sayyed Rahim S/o Sayyed Gaffor
age 32 years occupation business
R/o Parali Vaijnath District Beed.
2. Sayyed Salim S/o Sayyed Gafoor,
age 28 years occupation & R/o as above.

...PETITIONERS

VERSUS

1. The State of Maharashtra
Through: Government Pleader,
High Court of Bombay, Bench at Aurangabad.
2. The Chief Conservator of Forests,
Maharashtra State, Nagpur.
3. The Conservator of Forests for Aurangabad Circle,
Aurangabad.
4. The Sub-Divisional Forest Officer,
District Beed.
5. Laxman S/o Parasram Tapke,
age major occupation business
R/o Parali Vaijnath Dist. Beed.

...RESPONDENTS.

Mr A.S. Shelke, Advocate, holding for Mr S.K. Shelke,
Advocate for petitioners.

Mr A.P. Basarkar, Asstt. Govt. Pleader for respondents No.1 to 4.

Mrs. M.A. Kulkarni, Advocate for respondent No.5

CORAM : NITIN W. SAMBRE, J.

DATE: 7th September 2017

ORAL ORDER:

Having heard the learned Counsel for the petitioners for some time, it is noticed that the petitioner is seeking quashing of order dated 26th August 1994 passed by the Chief Conservator of Forests, M.S., Nagpur and the direction to concerned authority to transfer the Saw Mill licence in his favour.

2. The original allottee of the licence in question, namely, Laxman Parasram Tapke, who was allotted Saw Mill licence during the year 1978, has refused to transfer the licence in favour of the present petitioner, as is recorded by respondent No.2 in its order dated August 26, 1994, which is impugned in the petition.

3. In that view of the matter, the learned Counsel for the petitioners makes a motion, upon instructions, for withdrawal of the

petition, with liberty to file a suit or to take such step, as is available in law.

4. Smt. Kulkarni, learned Counsel for respondent No.5 and learned Asstt. Govt. Pleader for respondents No. 1 to 4, do not object the motion.

5. As such, motion allowed. Petition stands dismissed as withdrawn, with liberty to take such steps, as are permissible in law, including that of filing of suit .

6. Interim order, which is in operation, shall hold the field for a period of five weeks from today.

7. Time consumed in prosecuting the petition, be taken into consideration in case issue of limitation crops up.

(NITIN W. SAMBRE, J.)

pjm