

WRIT PETITION NO. 3982 OF 20 17

2. None for the petitioner.
3. It has been pointed out by the learned counsel for the respondent No. 2 that one of the plot holder had filed WP No. 1462 of 2015 and the said writ petition was allowed to be withdrawn by this court vide order dated 27.4.2017 with liberty to the petitioner to file a civil suit and seek appropriate interim relief therein.

4. We find that the dispute involved in this petition is contractual in nature. In the circumstances, petitioner has to seek remedy by filing civil suit and writ petition cannot be said to be the appropriate remedy as number of disputed questions would arise. In the circumstances, we dispose of this petition with liberty to the petitioner to file civil suit.

5. Ad interim order passed by this court on 5.4.2017 shall continue for the period of two months from today enabling the petitioner to file a civil suit and apply for interim relief. In case the civil suit is filed by the petitioner, the trial court shall decide the prayer for interim relief uninfluenced by the order of this court passed on 5th April, 2017 and continued by us for the period of two months.

6. With the aforesaid directions, petition stands disposed of.

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)