

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7102 OF 2017

Ms/ Mahalaxmi Developers ..Vs.. The State of Maharashtra & Ors.

Office Notes, Office Memorandum of appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's orders
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Mr. Rohan R. Pawaskar for Petitioner.

Mr. S. D. Rayrikar, AGP for Respondent No.1.

CORAM : K. K. TATED, J.

DATE : JULY 18, 2017.

P.C. :

. At the request of Advocate of Petitioner matter is taken out of turn because of urgency.

2. Heard learned Counsel for parties.

3. By this petition under Articles 226 and 227 of the Constitution of India, petitioner is challenging the order dated 28th February, 2014 passed by the Additional District Consumer Forum, Mumbai in Consumer Complaint No. 60 of 2013, Recovery Certificate dated 26th May, 2015 and distraint order dated 26th December, 2016 issued by Respondent Nos. 1 and 2 i.e. Tahsildar, Kurla (Mulund) and the Collector, Mumbai Suburban District, Mumbai for recovery of sum of Rs. 16,51,840/-.

4. In the present proceedings Petitioner has already filed First Appeal No. 1141 of 2015 before the State Consumer Dispute Redressal Commission, Maharashtra, Mumbai and same was admitted on 12th July, 2016. The Petitioner also preferred Miscellaneous Application No. MA-15-492 for stay of the order passed by the District Consumer Forum. That application was decided by the State Consumer Dispute Redressal Forum by order dated 21st January, 2016 directing the Petitioner to deposit the entire amount.

5. Considering these facts, Petition itself is not maintainable.

6. At this stage, the learned Counsel Mr Pawaskar appearing on behalf of Petitioner submit that he received instructions from his client to withdraw the present petition with liberty to prefer appropriate application before the appropriate forum. To that effect, he has given in writing. Same is taken on record and marked "X" for identification. Same is accepted.

7. Writ Petition stand disposed of, as withdrawn with liberty as prayed.

8. No order as to costs.

(K.K.TATED, J.)