

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

WRIT PETITION NO.10458 OF 2015

Saklen Khatun Saifulla Khan

..Petitioner.

Vs

State of Maharashtra and Anr.

.. Respondents

Mr.V.S.Kapse, Advocate for Petitioner.

Mr. S.D.Rayrikar, A.G.P for Respondents no.1 and 2.

CORAM : R.G.KETKAR,J.

DATE : 02/05/2017

PC:

1. Heard Mr.V.S.Kapse, learned counsel for the petitioner and Mr. S.D.Rayrikar, learned A.G.P for respondents no.1 and 2.
2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the order dated 19.8.2015 passed by the Deputy Collector (Encroachment/Removal) as also the Judgment and order dated 7.9.2015 passed by the Addl. Collector/Appellate Authority, Mumbai City. By these orders, the authorities below declared that the construction made by the petitioner is not a protected structure.
3. Mr. Kapse states that the petitioner's husband Safiullah Hawaldar Khan who is also her power of attorney is present in the Court. He has tendered photocopy of his Pan Card and Aadhaar Card which are taken on record and marked 'X' Collectively for identification. Upon taking instructions from him, Mr. Kapse seeks permission to withdraw this petition with liberty to

approach Additional Collector to produce documents substantiating the petitioner's contention that her structure is a protected structure.

4. In view thereof, on the motion made by Mr. Kapse, Petition is allowed to be withdrawn with liberty as prayed for. Grant of liberty shall not be construed as an expression of merits either way. Additional Collector/Appellate Authority will consider the case of the petitioner in accordance with law.

(R.G.KETKAR, J.)