

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

WRIT PETITION (ST.) NO. 33613 OF 2017

Shashikant Mahadevrao Joshi	.. Petitioner
v/s.	
The State of Maharashtra & Ors.	.. Respondents

Mr. Avinash H. Fatangare i/b V.V. Pandit for the petitioner
Mr. Harish R. Pawar for respondent nos. 2 and 3
Mr. S.D. Rayrikar, AGP for respondent no.1

**CORAM : M.S. SANKLECHA, J.
DATED : 5th DECEMBER, 2017**

PC.

1. Not on board. Mentioned. Upon mentioning, taken up on production board for consideration.

2. This petition challenges :
 - (a) Notice dated 14th November, 2017 (Exhibit M) issued by respondent no.2 Recovery Officer of respondent no.3 Bank seeking to take possession of the petitioner's flat (subject property); and
 - (b) Notice dated 28th April, 2016 (Exhibit L) prohibiting alienation of the subject property.

3. Mr. Pawar, learned Counsel appearing for respondent nos. 2 and 3, on instructions, states that the impugned notice dated 14th

November, 2017 was in respect of action proposed to be taken on 24th November, 2017. However, the respondents did not proceed against the subject property on 24th November, 2017. Consequently, they would not act upon the impugned Notice dated 14th November, 2017 to take possession of the petitioner's property. He further states that a fresh notice in respect of the same would be given by the respondent nos. 2 and 3 while seeking to execute recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960.

4. In view of the above statement made by Mr. Pawar, learned Counsel appearing for respondent nos. 2 and 3, Mr. Fatangare, learned Counsel for the petitioner seeks to withdraw this petition. However, he seeks liberty to take such proceedings as are available in law in respect of the Notice dated 28th April, 2016 issued to the petitioner, being Exh.L to the petition.

5. The Petition is disposed of as withdrawn with liberty as prayed for.

(M.S. SANKLECHA, J.)