

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1012 of 2017

Smt. Aruna J. Agarwal & Ors.	]	Petitioners
Vs.		
M/s. Samta Builders Pvt. Ltd. & Ors.	]	Respondents

Mr. Abhijit P. Kulkarni, for petitioners.
Mr. Janardhan Narayanan a/w Akansha Patil i/b Narayanan &
Narayanan, for respondent No.1.

CORAM : R.G. KETKAR, J.

DATE : 11TH JULY, 2017.

P.C.

Not on board. At the request of Mr. Kulkarni taken up in the production board.

2. Heard Mr. Kulkarni, learned Counsel for petitioners and Mr. Narayanan, learned Counsel for respondent No.1.

3. By this Petition under Article 226 of the Constitution of India, petitioners have challenged the judgment and order dated 15th February, 2017 passed by the Deputy Collector [Appeals], Bombay Suburban District in Appeal No. C/RTS/A-29 of 2016 preferred by the respondents herein. By that order, respondent No.4/Deputy Collector [Appeals] rejected the interim application

and overruled objections raised by the petitioners No.1 and 3 as regards maintainability of the appeal preferred by the first respondent.

4. Mr. Kulkarni submitted that during pendency of the Petition, appeal preferred by the first respondent u/s 247 of the Maharashtra Land Revenue Code, 1966 was decided on 20th April, 2017. He has tendered photo copy of that order which is taken on record and marked 'X' for identification.

5. Mr. Kulkarni states that Mr. Mukesh Agarwal, partner of petitioner No.3, power of attorney holder of petitioners No.1 and 2 is present in the Court. He has tendered photo copy of his Aadhaar Card which is taken on record and marked 'Y' for identification.

6. Mr. Kulkarni, upon instructions seeks permission to withdraw the Petition with liberty to initiate appropriate proceedings to challenge the order dated 20th April, 2017. Mr. Narayanan has no objection.

7. In view thereof, on the motion made by Mr. Kulkarni, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined merits of the case. All contentions raised in this Petition are kept open. Order accordingly.

[R.G. KETKAR, J.]