

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9060 OF 2014

Kalyan s/o Ganpatrao Kadam
and others.

...PETITIONERS

VERSUS

The State of Maharashtra
and others.

...RESPONDENTS

...

Miss. Pradnya S. Talekar Advocate for
Petitioners.

Mr.S.J. Salgare, A.G.P. for Resp. Nos.1 to 3.

Ms. Sangmitra Wadmare Advocate for Resp. Nos.
4 and 7.

Mr.K.K. Kulkarni Advocate for Resp. No.6.

...

WITH

CIVIL APPLICATION NO.5222 OF 2018

IN

WRIT PETITION NO.9060 OF 2014

Suman Anantrao Sonji (Kadam)
and others.

...APPLICANTS

VERSUS

Kalyan s/o Ganpatrao Kadam
and others.

...RESPONDENTS

...

Mr.S.P. Salgar Advocate h/f. Mr. N.V. Gaware
Advocate for Applicants.

Miss. Pradnya S. Talekar Advocate for
Resp. Nos.1 to 4.

Mr.S.J. Salgare, A.G.P. for Resp. Nos.5 to 7.

Ms. Sangmitra Wadmare Advocate for Resp. Nos.
8 and 11.

Mr.K.K. Kulkarni Advocate for Resp. No.10.

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**CORAM: S.S. SHINDE AND
 S.M. GAVHANE, JJ.**

DATE : 16TH APRIL, 2018

ORDER :

1. We have heard learned counsel appearing for the Petitioners for considerable time. We have also given hearing to learned counsel appearing for respective Respondents.

2. On instructions, learned counsel appearing for the Petitioners, who are present in the Court, learned counsel appearing for the Petitioners seeks leave to withdraw this Petition with liberty to avail of an appropriate remedy

either individually or on behalf of proposed society, namely, Indira Griha Nirman Sanstha, Tuljapur. Leave granted. The Writ Petition is dismissed as withdrawn.

3. Needless to observe that in case of fresh cause of action, it would be open for the proposed society, namely, Indira Griha Nirman Sanstha, Tuljapur to avail of an appropriate remedy including filing of Writ Petition under Article 226 of the Constitution of India.

4. Since the Petition itself is withdrawn, the question of entertaining Civil Application No.5222 of 2018 would not arise. Hence the Civil Application stands disposed of without adjudication on merits.

[S.M. GAVHANE, J.]

[S.S. SHINDE, J.]