

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 6182 OF 2018

Sarpanch, Arala Grampanchayat
through its member

... Petitioner

Vs.

Namdev Ganpati Patil & Ors.

... Respondents

Mr. Bhushan Walimbe, Advocate for the petitioner.

Mr. A.R. Metkari, AGP for respondent nos. 4 to 8.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **12th June, 2018.**

P.C.:

This Writ Petition is directed against the order dated 1st July, 2017 passed by the learned District Judge-II, Islampur dismissing the Miscellaneous Civil Appeal No. 24 of 2017, which was filed against the order dated 16th February, 2017 passed by the learned Civil Judge Senior Division, Islampur granting interim injunction in Regular Civil Suit No. 201 of 2016.

2. The petitioners are the office bearers of Grampanchayat Arala. The State Government has acquired some of the land of the villagers. Respondent nos. 1, 2 and 3 are the owners of Survey No. 377, out of which some portion is acquired by the State Government for constructing State Highway or a road. It is the case of the

petitioners that though the State has paid compensation and it is accepted by respondent nos. 1 to 3 for acquisition of the land for the road, they have filed this suit. It is contended by the learned counsel that after dismissal of Miscellaneous Civil Appeal, City Survey officer has carried out the measurements and prepared a map showing the movement of the road running through various survey numbers including survey No. 377. This map was prepared on 26th September, 2017 and copy of the said map was received by the Grampanchayat in December, 2017. The learned counsel submitted that in view of this subsequent development, he seeks permission to withdraw this Petition with liberty to file an application for vacating the stay before the trial Court.

3. Notices are not issued in this matter, however, considering the relief prayed for in view of the subsequent development, i.e., map prepared by the City Survey officer, this document will enable the trial Court to decide the issue effectively.

4. The learned counsel for the petitioner is allowed to withdraw this Writ Petition with liberty to file Application for vacating the stay and the trial Court to decide the said Application after considering the

case of the plaintiffs and defendants. The Court to decide the said application within 2 weeks, if such application is filed by the petitioner.

5. Writ Petition is dismissed as withdrawn.

(MRIDULA BHATKAR, J.)