

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 7572 OF 2016

Muktabai Rambhau Sangle through	]	
Power of Attorney Manoj Vengalavan	]	Petitioner
Vs.		
Sub Divisional Officer, Haveli Pune and Ors.	]	Respondents

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Mr. G.S. Godbole, Senior Advocate a/w Ms. Gauri Godse a/w Y.G. Thorat i/b Ashok B. Tajane, for the petitioner.

Mr. S.D. Rayrikar, A.G.P, for Respondents No.1 and 28.

Mr. P. Dhakephalkar, Senior Advocate i/b Mr. Nilesh M. Wable, for Respondents No.2 to 10, 12 and 19 to 27.

Avinsash B. Avhad, for Respondents No.13 to 18.

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CORAM : R.G. KETKAR, J.

DATE : 12TH DECEMBER, 2018.

P.C.

Heard Mr. Godbole, learned Senior Counsel for the petitioner, Mr. Rayrikar, learned A.G.P, for respondents No.1 and 28, Mr. Dhakephalkar, learned Senior Counsel for Respondents No.2, to 10, 12 and 19 to 27 and Mr. Avhad, learned Counsel for respondents No.13 to 18.

2. This Petition takes exception to the orders;
 - [1] dated 4th July, 1959 passed by Mamlatdar and Additional Tahsildar, Agricultural Lands Tribunal, Haveli (for short 'A.L.T.') in ALT/Dehu/22/58;
 - [2] dated 4th December, 2014 passed by the Sub Divisional Officer, Haveli, Pune (for short 'S.D.O.') in Case No. Admission/SR11/2014
 - [3] dated 3rd March, 2016 passed by the Member, Maharashtra Revenue Tribunal (for short 'M.R.T.') in Revision/XII/2/2014/Pune.

3. By order dated 4th July, 1959, A.L.T declared that Bhau Hari Kalokhe is the tenant in respect of old survey No.13 and 14, new survey No.15 and 16 of Dehu, District Pune. By order dated 4th December, 2014, S.D.O dismissed the application filed by the petitioner for condoning delay of 56 years which order is confirmed by the M.R.T.

4. After arguing the Petition for quite sometime, Mr. Godbole, on instructions from Mr. Manoj Kumar Vengalavan, partner of M/s. Maratha Realty Ventures who is present in the Court seeks permission to withdraw the Petition with liberty to adopt appropriate proceeding excepting the Petition. He has tendered photo copy of PAN Card of Manoj Kumar Vengalavan, which is taken on record and marked 'X' for identification. He invited my attention to the sale deed executed by the petitioner which was registered on 9th November, 2013 in favour of M/s. Maratha Realty Ventures. Mr. Manoj Kumar Vengalavan is one of the partners of the said firm. The sale deed is registered at Sr. No.6848/2013. He also invited my attention to the power of attorney executed by the petitioner on 9th November, 2013 in favour of M/s. Maratha Realty Ventures through partners. Manoj Kumar Vengalavan is one of the partners of M/s. Maratha Realty Ventures. The same is registered at Sr. No.6849/2013.

5. In view thereof, on the motion made by Mr. Godbole, the Petition is allowed to be withdrawn with liberty as prayed for and as such is disposed of. It is made clear that I have not examined merits of the case. Interims orders, if any, stand vacated.

[R.G. KETKAR, J.]