

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5557 OF 2016**

Smt. Surekha Hanmant Pawar & Anr.

....Petitioners.

Vs.

The State of Maharashtra

....Respondent.

Mr. Sushil Inamdar i/by Mr. Vijay Killedar for the Petitioners.

Mr. B.V. Samant, AGP for the Respondent-State.

**CORAM : S.C.DHARMADHIKARI AND
SMT. BHARATI H. DANGRE, JJ.**

DATE : 9th MARCH, 2018.

P.C.:-

After this Writ Petition was argued earlier and even today and in the light of the documents, which were forwarded by the learned AGP to Mr. Inamadar, the learned Advocate for the Petitioners, it is apparent that the Petitioners would have to take recourse to the ordinary/general remedy available in law, so as to assert their rights, title and interest in the immovable property based on the documents, in their favour.

2 When such position was brought to the notice of Shri Inamdar, the learned Advocate for the Petitioners, in all fairness he

states that the Petitioners be permitted to withdraw this Petition with liberty to file comprehensive proceedings, including a Suit in the Competent Civil Court, so as to establish and prove their rights, title and interest in the immovable property.

3 Writ Petition is disposed of with such liberty and by further clarifying that though it was pending before this Court for considerable period, the Court has not expressed any opinion on the rival contentions and all of them are kept open. Equally, the Petitioners' contention in so far as the pending proceedings or the Suit are concerned, are also kept open.

SMT. BHARATI H. DANGRE, J.

S.C.DHARMADHIKARI, J.