

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3341 OF 2005

Vasant Santaram Kharat (Since deceased) Through LRs. & Ors. V/s. The Secretary, Home Department & Anr.		Petitioners Respondents
---	--------------------	------------------------------------

- Ms.Vaishali K. Jagdale i/b. Mr.K.R. Jagdale for the Petitioners.
- Mr.Y.S. Khochare, AGP for Respondent No.1-State.

**CORAM : A. S. OKA AND
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 22nd NOVEMBER, 2018.

P.C. :

1] Learned counsel for the Petitioners, on instructions of the Petitioner Nos.1B and 1C, who are stated to be personally present in the Court, seeks permission to withdraw this Petition with liberty to file appropriate proceedings before the competent Court under the Maharashtra Rent Control Act, 1999. She prays for continuation of ad-interim relief to enable the Petitioners to file appropriate proceedings for establishing their tenancy rights. The said prayer is opposed by the learned A.G.P. for the Respondent-State.

2] As the Petitioners are withdrawing the Petition, the impugned order will attain finality. If permissible in law, the

Petitioners can always approach the Competent Court under the Maharashtra Rent Control Act, 1999 for seeking appropriate relief.

3] Therefore, the request made by the learned counsel for the Petitioners deserves to be accepted.

4] Accordingly, we pass following order.

- (a) Writ Petition is disposed of as withdrawn with liberty as prayed.
- (b) Ad-interim relief granted on 12th December, 2005, will continue for a period of eight weeks.
- (c) We make it clear that we have made no adjudication on the maintainability of appropriate proceedings proposed to be filed by the Petitioners and all the objections of the Respondents are kept open.
- (d) We also make it clear that the proceedings which may be filed by the Petitioners shall be decided by the appropriate Court on its own merits without being influenced by the continuation of ad-interim relief by this Court.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[A. S. OKA, J.]