

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

WRIT PETITION NO.9709 OF 2016

Dashrath Sadhu Wadkar & Ors.	..	Petitioners
Vs.		
The State of Maharashtra through The Hon'ble State Minister & Ors.	..	Respondents

Mr.Balasaheb Deshmukh a/w Mr.Deepak Borkar for the petitioners.
Mr.S.D.Rayrikar, AGP for the respondent nos.1 to 4-State.
Mr.Vaibhav Parashuramani a/w Mr.B.A. Jagdale i/by Mr.Vikrant
Parashuramani for the respondent no.5.

CORAM : R.D. DHANUKA, J.
DATE : 17th January 2018

P.C.:

. Mr.Parashuramani, learned counsel appearing for the respondent no.5, on instructions, states that against the impugned notices which were issued by the authority under Section 31A of the Bombay Prevention of the Fragmentation and Consolidation Holdings Act, 1947 (for short "the said Act) in the application filed by the petitioners, his client would file appropriate proceedings including a writ petition.

2. In view of the statement made by the learned counsel for the respondent no.5, the impugned order passed by the learned State Minister (Revenue), Mumbai on 10th June 2016 in RTS 3416/2345 No.16/J/-5 deserves to be set aside. It is ordered accordingly.

3. The petitioners shall not proceed with the application filed under Section 31A of the said Act for a period of two weeks from today.

It is made clear that all the contentions raised on merits in the proceedings filed by the petitioners under Section 31A of the said Act by the respondent no.5 are kept open and can be agitated in the appropriate proceedings proposed to be filed by the respondent no.5. The respondent no.5 also continues the statement made before this Court for a period of two weeks from today. Statement made by the learned counsel for the respondent no.5 is accepted.

4. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.