

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

WRIT PETITION NO. 9130 OF 2017
 WITH
 CIVIL APPLICATION (ST) NO.20051 OF 2018

Mrs. Ujjawala Dilip Waykule
 V/S
 Collector And District Magistrate Pune And
 Anr.

...Petitioner
Respondents

Mr.Manoj Shirsat i/by Vanita Chandrakant Giri for the Petitioner.
 Ms.Manasa Tantravahi i/by Afreen Abdul Majeed for Respondent No.2.
 Mr.A.A.Alaspurkar, AGP for the State.

...
CORAM : A.A. SAYED &
M.S.KARNIK, JJ.

DATED : 24 JULY 2018

P.C.:

This Petition has been filed seeking following reliefs:

“A. Be pleased to issue writ of certiorari or any other order to call for record and proceedings from District collector and District Magistrate Pune, and after ascertaining the legality of actions of respondents, pursuant to notice under section 13(2) and section 13(4), be pleased to declare that the order of possession dated 26 June 2017 marked as Exhibit E is bad in law and be pleased to quash and set aside the same.

B. Be pleased to declare that notice under section 13(4) marked as Exhibit D, which was issued without following the mandatory provision under section 13(3) A is bad in law and be pleased to quash the same.

C. Issue writ of mandamus or any other order of that nature, directing the Respondent No.2 to consider the Petitioner's representation for resettlement as mandated by the Act.

D. Be pleased to direct the Respondents to not to proceed with the attachment proceedings/ taking possession of the secured asset till disposal of the Writ Petition. “

2. The Petitioner has an alternate remedy before the DRT. Hence, we are not inclined to entertain the Petition. The Petition shall accordingly stand dismissed. The Civil Application does not survive and to stand disposed of.

3. The time taken in prosecuting the present proceedings shall be considered by the DRT in condoning the delay in filing the Securitisation Application by the Petitioner.

(M.S.KARNIK,J.)

(A.A.SAYED, J.)

Uday
Prabhakar
Kambli

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signed by
Uday
Prabhakar
Kambli
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2018.07.25
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