IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11116 OF 2012

M/s. Salil & Co. Agency Pvt. Ltd. .... Petitioner
Vs.
The State of Maharashtra & Others .... Respondents

Mr. P.S. Dani, Senior Counsel with Ms Pooja Karadia
i/by Fox Mandal Partners for the Petitioner.
Mr. B.V. Samant, AGP, for the Respondent-State.

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

DATE : FEBRUARY 01, 2018

P.C:

1. The petitioner has, by the present petition, prayed for the following reliefs:-

> "*(a) This Hon'ble Court be pleased to issue writ, mandamus and/or any other writ, order or direction in the nature of mandamus and thereby be pleased to direct the Respondents herein to forthwith withdrawn and/or delete the Entry showing Charge of the Sales Tax Department in the Revenue Records in respect of the property of the present Petitioner viz. land bearing Gat No.59B and the Respondent No.3 herein be directed to forthwith remove the same and issue a fresh copy of the Revenue Record after deleting the said Entry/Charge in respect of property of the Petitioner*

> *viz. land bearing Gat No.59B situate in the village Nandivali, Taluka/ Mulshi, District: Pune.*
>
> *(b) This Hon'ble Court be pleased to issue writ, certiorari and/or any other writ, order or direction in the nature of certiorari and thereby be pleased to quash and set aside the Entry showing Charge of the Sales Tax Department in the Revenue Records in respect of the property of the present Petitioner viz. land bearing Gat No.59B situate in the village Nandivali, Taluka/Mulshi, District: Pune."*

2. On the earlier occasion, Mr. Samant, learned AGP, sought time to take instructions and particularly in writing. Now, he has tendered across the bar a copy of the communication dated 31-1-2018 from the Deputy Commissioner of Sales Tax, Pune Division, Pune. He has informed Mr. Samant that there is a subsisting demand of Rs.7,10,486/- against M/s. Salaster Foods and Beverages Pvt. Ltd.. In enforcement and execution of that demand, the attachment has been levied but inadvertently the petitioner's land bearing Gat No.59B, situate in Village Nandivali, Taluka Mulshi, District Pune has been referred in the attachment warrant. It is in these circumstances, the request of the petitioner has been considered and now the petitioner being an adjacent property owner but not a defaulter of Government revenue, decision is taken to delete the

petitioner's property from attachment. In other words, so far as the petitioner's property is concerned, the attachment stands raised.

3. We accept this communication and the statement of Mr. Samant based thereon as an undertaking to this Court. We clarify that we have not expressed any opinion on the rival contentions. However, in view of the clarification and the statement which is accepted as an undertaking to this Court, the attachment on the petitioner's land bearing Gat No.59B stands raised. The Revenue Official/respondent No.3 before us now to carry out the necessary corrections in the Revenue Records and as expeditiously as possible. That shall be done within a period of two weeks from the date of receipt of copy of this order.

4. With the above observations, the petition is disposed of.

(SMT. BHARATI H. DANGRE, J.) (S.C. DHARMADHIKARI, J.)