

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.466 OF 2013

M/s.Surobhi Regency Co-op. Hsg. Soc. Ltd.	...Petitioner
V/s.	
M/s.Sukanto Roy Developers & Ors.	...Respondents

Mr.S.M. Gorwadkar, Senior Counsel i/b Mr.S.H. Gangal for the Petitioner.

Mr.P.S. Dani, Senior Counsel i/b Mr.Ashok Misal for the Respondent No.1.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.2 to 5.

CORAM : R.D. DHANUKA, J.
DATE : 23RD JANUARY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 20th September, 2012 passed by the learned Minister in Revision Application No.326 of 2012 and the order dated 26th April, 2012 passed by the Divisional Joint Registrar, Pune dismissing the revision and the appeal filed by the petitioner respectively. After arguing the matter for some time, Mr.Gorwadkar, learned senior counsel appearing for the petitioner seeks liberty to withdraw this petition with liberty to file the civil suit for impugning the declaration obtained by the respondent no.1 on 9th

April, 2009 under the provisions of the Maharashtra Apartment Ownership Act, 1970 which has not been impugned so far by the petitioner.

2. The writ petition is dismissed as withdrawn with liberty as prayed. It is made clear that this Court has not expressed any views on the maintainability of the suit proposed to be filed or also on merits of the suit as may be filed by the petitioner. All the contentions raised by the parties in this writ petition are kept open. No order as to costs.

(R.D. DHANUKA, J.)