

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

985 WRIT PETITION NO.11935 OF 2019

IMRATBAI VIJAYKUMAR MUNOT
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...

WITH
986 WRIT PETITION NO. 11936 OF 2019 WITH

DHARAMCHAND S/O NEMICHAND KATARIA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

**CIVIL APPLICATION NO. 11717/2019 IN
WRIT PETITION NO. 11936 OF 2019**

RAHUL GANESH PAWAR
VERSUS
DHARAMCHAND S/O NEMICHAND KATARIA THROUGH GPA

...

WITH
WRIT PETITION NO. 11981 OF 2019

VIJAY MANAKCHAND SANKLECHA
VERSUS
THE COLLECTOR, AHMEDNAGAR AND OTHERS

...

Advocate for the Petitioner : Shri A. K. Gawali
Advocate for the Petitioner : Shri V. D. Hon -Sr. Counsel h/f.
Shri A. V. Hon (in W.P. No. 11936/2019)
Advocate for the Petitioner : Shri S. P. Shah (in W.P. No.
11981/2019)

AGP for Respondent – State : Shri S. W. Munde
Advocate for Respondent No. 5-C : Shri N. V. Gaware and
Shri S. P. Salgar
(R-7 in W.P. No. 11936/2019 and R/2-C in WP 11981/19)
Advocate for Respondent No. 6 : Shri R. L. Kute h/f.
Shri V. R. Dhorde
(R-3 in WP No. 11981/2019)

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th SEPTEMBER, 2019.

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PER COURT :

1. I have considered the submissions of the learned Advocates, the learned AGP and Shri Hon, the learned Senior Advocate appearing on behalf of the petitioner in the second petition.

2. The learned Advocates informed that Writ Petition Nos. 5121/2019 and 11754/2019 were considered by the learned Division Bench of this Court and an order was passed on 24/04/2019 recording that the exercise of handing over possession may be deferred by two weeks and all the pending appeals of the aggrieved parties before the Divisional Commissioner, Nashik, would be considered on their own merits.

3. In view of the above, the learned Advocates submit that the petitions can be disposed off.

4. *Insofar* as the third petition is concerned, the learned Advocate for the petitioners submits that these petitioners are yet to prefer their Appeals before the Divisional Commissioner, Nashik. The learned Advocates Shri Gaware and Shri Kute submit that the learned Division Bench of this Court has noted the order dated 29/04/2019 that all Appeals which are already pending and which are likely to be filed would be considered on their own merits. These petitioners, therefore, have the liberty to prefer their Appeals forthwith.

5. Shri Shah contends that his property does not lie in Survey Nos. 52/1 and 52/2 and in fact falls in Survey No. 22/A.

6. Considering the above, these three petitions are disposed off. Pending Civil Application would not survive and stands disposed off.

(RAVINDRA V. GHUGE, J.)

shp/-