

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

923 WRIT PETITION NO.1027 OF 2018

**MOHAN NANARAO CHINCHOLIKAR
VERSUS
BHAGIRATHI CHANDRASHEKHAR DALGADE AND OTHERS**

...
Advocate for Petitioner : Shri Chaitanya V. Dharurkar
Advocate for Respondent Nos.1 to 4 : Shri P.V.Barde
Advocate for Respondent Nos.5 to 11 : Shri M.K.Bhosale

...
**CORAM : P.R.BORA, J.
DATE: 30th July, 2019**

PER COURT:-

1 The learned counsel for the petitioner, on instructions, seeks leave to withdraw the present petition with liberty to file and/or initiate an independent proceeding for removal of the encroachment allegedly made by Siddhanna Dalgade. The learned counsel has also prayed for continuing the effect of the order passed by this Court on 25.01.2018.

2 The learned counsel appearing for the respondents have strongly opposed for continuation of the order passed by this Court on 25.01.2018.

3 After having considered the submissions made and on perusal of the material which is available on record, I deem it

appropriate to pass the following order:-

ORDER

- I) The petitioner is permitted to withdraw the present petition with liberty to file and/or initiate an independent proceeding in accordance with law.
- II) The petitioner shall file such proceeding within four weeks from the date of this order.
- III) The interim order passed by this Court on 25.01.2018, shall remain in force till then.
- IV) It need not be stated that, if the Suit is not filed within the stipulated period, the interim order shall automatically stand vacated.
- V) Writ Petition stands disposed of.

(P.R.BORA)
JUDGE

SPT