

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9244 OF 2016

M/s Tirumal Developers Through
Proprietor, Mr. K.Mani Naidu

..Petitioner.

V/s.

State of Maharashtra Through Ministry
of Co-operative Affairs And Ors.

..Respondents.

Mr.K.K. Khomene I/b Abhijeet Desai for the petitioner.
Smt. V.S. Nimbalkar, AGP for State-respondent nos. 1 and 2.
Smt. Leena Patil for respondent no.3.

CORAM: A.S. GADKARI, J.

DATE : 5th July, 2019.

P.C.:-

1 The learned counsel for the petitioner, on instructions, seeks leave to withdraw the present petition with liberty to file a substantive suit for establishing its alleged interest in the property.

 The learned counsel for respondent no.3 opposes the prayer of granting liberty.

2 However, in the interest of justice, leave to withdraw the petition is granted.

3 As far as liberty to file substantive suit is concerned, the
petitioner is at liberty to file the said suit if permissible as per the
provisions of Law.

4 Needless to mention that, the contention of respondent
no. 3 about *locus-standi* of the petitioner and maintainability of such
a suit is expressly kept open.

5 Petition is disposed off, as withdrawn, in the aforesaid
terms.

(A.S. GADKARI, J.)