

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2505 OF 2019

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Sumedha Rao for the Petitioner.
Jyoti Chavan, AGP for the State/Respondent
Nos. 1&2.
Ganesh Bhare, Senior Clerk, Collector Office,
Mumbai Suburban.

**CORAM : K. K. TATED, J
DATE : OCTOBER 22, 2019.**

P.C.:

Heard.

2. By this Writ Petition under Article 226 of the Constitution of India, the Petitioner is challenging the order dated 08/07/2019 passed by the Divisional Commissioner, Konka Division, Konkan in Appeal No. LND-112/2019 under Section 247 of the Maharashtra Land Revenue Code 1966 dismissing the Petitioner's Appeal against the order dated 31/03/2018 passed by the Collector, Mumbai Suburban.

3. During the course of the argument, the Learned Counsel for the Petitioner submits that earlier they filed the Application dated 21/02/2008 with the Respondent/State for the same cause of action i.e. because of the approach road to their property and rent to that effect but till today the said application is not decided.

4. The Learned AGP for state submits that they are ready and willing to decide the Petitioner's application dated 21/02/2008 on its own merits. But the said application is not available with them. She submits that, if the Petitioner is ready to file a fresh application for the same cause of action within the stipulated time, that they will decide the same within the stipulated time.

5. On the basis of the statement made by the Learned AGP for State, the Learned Counsel Ms Rao for the Petitioner filed affidavit dated 22/10/2019 of Petitioner stating that, they are ready and willing to file a fresh application with the Respondent within four weeks from today for the same cause of action. She submits that the Respondent to decide the application as early as possible after giving necessary hearing. The Learned Counsel for the Petitioner submits that, in view of these facts, she received instructions from

her client to withdraw the present Writ Petition.

6. Hence, by consent of both the parties, following order is passed:

- a. Liberty is granted to the Petitioner to file a fresh application with the Respondent for same cause of action i.e. lease of the approach road to their property and rent to that effect within four weeks from today along with all necessary documents.
- b. The Respondents to decide the Petitioner's application as early as possible but in any case, within 8 weeks after giving hearing if necessary and communicate the order in writing.
- c. Writ Petition stands disposed of as withdrawn in view of above mentioned direction.
- d. No order as to costs.

(K.K.TATED, J.)