

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2810 OF 2019**

Subhash V. Chawda & anr	...Petitioners
Versus	
The State of Maharashtra & ors.	...Respondents

Mr. Vincent X. D'Silva, for the Petitioners.
Ms. Geeta R. Shastri, AGP, a/w Mr. Amit Shastri, AGP, for
Respondent nos.1 and 2/State.
Mrs. Jyotsna Pandhi, for Respondent no.3.

**CORAM: N. J. JAMADAR, J.
DATED : 5th DECEMBER, 2019**

PC:-

1. Heard Mr. D'silva, the learned Counsel for the petitioners.
2. The challenge in this petition is to an order passed by the City Survey Officer on 16th July, 2019, whereby the name of respondent no.3 was directed to be mutated to the subject premises by deleting the entry effected, vide Mutation Entry No.1782 of 2019, dated 2nd January, 2019. It is not disputed that the impugned order is susceptible to an appeal before the statutory authority.
3. Faced with aforesaid situation, the learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file an appropriate proceedings before the appellate authority and agitate the legality, propriety and correctness of the impugned

order. The learned Counsel further submits that having regard to the fact that the slum redevelopment project is adversely affected by the impugned order, the appellate authority be directed to dispose of the proceedings which would be instituted, within a time frame.

4. The prayer seems reasonable. Hence, the following order.

- (i) The petition stands disposed of as withdrawn with liberty to file an appropriate proceedings before the Superintendent of Land Records, Mumbai, Sub-urban district.
- (ii) In the event, the petitioner files such a proceedings/appeal, the appellate authority shall dispose of the proceedings/appeal within three months of its institution.
- (iii) It is hereby made clear that this Court has not considered the merits of the matter and all contentions of all the parties are kept open for consideration by the appellate authority.

The petition stands disposed of.

[N. J. JAMADAR, J.]