

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
WRIT PETITION NO.3471 OF 2018

Perina Ankit Sheth nee Perina
Mahesh Thakkar .. Petitioner

Vs.

Tehsildar and Sub-Divisional
Magistrate, Revenue Dept. & Ors. .. Respondents

...

Mr. Sachindra Shetye i/b Mr. U.L Shah for the Petitioner.

Mr. Y.S. Kochare, A.G.P. for Respondent Nos.1 to 4.

...

**CORAM: PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.**

DATED : 30th JANUARY, 2020.

P.C:-

1. The Petitioner has purchased only 2788.10 sq. meters land out of 22460 sq. meters land owned by Rudrapratap Urmaliya Tripathi carrying on business as Sole Proprietor of M/s. Indian Corporation vide Sale Deed dated 28th February, 2006.

2. From the pleadings in the Writ Petition it emerges that

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alleging illegal occupation of Government land abutting the land owned by the predecessor in interest of the Petitioner, proceedings were initiated and for trespass penalty was levied with reference to the market value of the alleged land trespassed upon.

3. The Petitioner is aggrieved by a demand served upon the Petitioner and learned counsel for the Petitioner states that there are no averments in the Petition as to on which side of the land owned by the predecessor in interest of the Petitioner, the trespass was alleged.

4. Faced as aforesaid, counsel seeks leave to withdraw the Writ Petition with right to file a fresh Writ Petition challenging the impugned demand but after making proper pleadings.

5. Granting liberty as prayed for, the instant Petition is disposed of as not pressed.

(SMT. BHARATI DANGRE, J.)

(CHIEF JUSTICE)