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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3892 OF 2019

Mr.Kaluchand Harakchand Bokadia Petitioner

vs.

State of Maharashtra and Ors. Respondents

Mr.Manish Jain i/b M/s.S.M.Jain and Associates for the
petitioner

Mr.R.P.Kadam, A.G.P. for the respondents

**CORAM: K.K.TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATED : SEPTEMBER 02, 2021

P.C.

. Heard.

2. By this petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against Respondent no.2 to hand over possession of the premises i.e. Room no.6, Building No.15, Daruwala House, Ardeshir Dady Cross Lane, Mumbai 400004. Petitioner also seeks to set aside the order dated 12.12.2011 passed by the Administration General, Maharashtra State under the provisions of Administration General Act, 1963 in respect of the same premises.

3. It is to be noted that in the present proceedings, Petitioner already filed the probate petition No.1179 of 2012 before this court for probate of the last will and testament of the late Ms.Hilla Jamshedji Mistry who was the owner of the said premises. Not only that, Petitioner also filed Suit No.484 of 2016 for setting aside the conveyance deed dated 31.12.2009 between one Mr.Jimmy Minoo Batty and M/s.Akshay Vitta Management Investment Consultancy Services Pvt.Ltd. In that case, also, the suit premises is involved.

4. Considering these facts, when this court declined to entertain the present petition, the learned counsel for the Petitioner submits that Petitioner may be permitted to withdraw the present Writ Petition with liberty to file appropriate application with Respondent no.2 for allowing him to remove his goods which are lying in Room no.6, Building No.15, Daruwala House, Ardeshir Dady Cross Lane, Mumbai 400004. To that effect, he has given in writing for withdrawal of the Writ Petition. Same is taken on record and marked 'X' for identification. Same is accepted. Hence, the following order is passed:

a. Writ Petition stands dismissed as withdrawn with liberty to the Petitioner to make appropriate Application with Respondent no.2 for removal of the goods if any, lying in Room no.6, Building No.15, Daruwala House, Ardeshir Dady Cross Lane, Mumbai 400004 within two weeks from today.

b. If such Application is filed by the Petitioner within two weeks from today, Respondent no.2 Administration General, Official Trustee, Maharashtra State is directed to decide the said Application on its own merits as early as possible.

c. No order as to costs.

(PRITHVIRAJ K. CHAVAN, J.)

(K.K.TATED, J.)