

Chitra Sonawane

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

WRIT PETITION NO.2555 OF 2021

**Mayuresh Enterprises through
its proprietor Sushant T. Jagtap ... Petitioner.**

Vs.

The State of Maharashtra & Ors. Respondents.

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**Mr.Ameya Sawant a/w Ms Neha Parte i/b S.M. Sabrad for petitioner.
Mr.Siddhesh Kalel, A.G.P. for State.**

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

**DATE : 17th JULY, 2021.
[Through Video Conferencing]**

P.C.

1. Heard Learned Counsel for parties.

2. By this petition under Article 226 of the Constitution of India, the petitioner is seeking direction against respondents to refund an amount of Rs.30,40,140/- deposited on 9th February 2015 in lieu of the auction held in respect of site at Bhabulsar, Taluka-Shirur, District-Pune with interest at the rate of 12% p.a. Learned counsel

for the petitioner submits that earlier they filed writ petition no.215 of 2021 before this court. He submits that this court by order dated 17th February 2021 directed respondents to decide petitioner's appeal dated 7th July 2015 filed u/s 33 and 37 of the Bombay Minor Mineral Extraction Rules, 1955 on its own merits.

3. Today learned AGP Mr.Siddhesh Kalel appearing on behalf of respondent submits that appeal preferred by the petitioner is decided by the concerned authority by order dated 13th July 2021. Said order is taken on record and marked 'X' for identification.

4. Learned Counsel for the petitioner submits that in view of this order, the petitioner may be permitted to withdraw the petition with liberty to file fresh one to challenge order dated 13th July 2021 passed by the authority in appeal dated 7th July 2015. Same is permitted. Hence, following order is passed.

- a) Writ petition stands disposed of as withdrawn with liberty as prayed.
- b) No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]