

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5019 OF 2021

BUDHARAM GANPAT SAROBAT AND ANR.)...PETITIONERS

V/s.

THE STATE OF MAHARASHTRA AND ORS.)...RESPONDENTS

Mr.Sandesh Deshpande, Advocate for the Petitioner.

Mr.Sandeep Shinde, Advocate for Respondent Nos.2 to 5.

Mr.Nandkishor Sonu Wani, Clerk, Tax Department, Kalyan Dombivli Municipal Corporation, present in Court.

**CORAM : A. A. SAYED &
S. G. DIGE, JJ**

DATED : 15th SEPTEMBER, 2021

P.C.:

1 The Petitioner has filed this Petition for following reliefs :

“(a) That this Hon’ble Court be pleased to issue a Writ
of Certiorari or any other appropriate writ, order or

direction thereby holding that the Auction dated 14.02.2018 conducted by the Respondent No.2 Corporation is illegal, void and not binding upon the Petitioners and further be pleased to direct the Respondent No.2 to hand over the possession of the said property to the Petitioners.

(b) That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction thereby quashing and setting aside the impugned Notice before Attachment dated 01.03.2021 (Exh."O") as well as Bill dated 06.05.2020 issued by the Respondent No.4 (Exh."P")."

2 Learned Counsel for the Respondent-Corporation, on instructions, states that the impugned notice dated 1st March 2021 as well as the impugned Bill dated 6th May 2020 is withdrawn by the Respondent-Corporation. In view of the said statement, the prayer clause (b) of the Petition is worked out.

3 So far as the Prayer Clause (a) is concerned, the Petitioner has already filed a suit which is pending being Special Civil Suit No.272 of 2018 before the Civil Court at Kalyan. In view thereof, learned Counsel for the Petitioner is not pressing prayer clause (a).

4 In view of the above, nothing survives for consideration in the Petition. The Petition to stand disposed of.

(S. G. DIGE, J.)

(A. A. SAYED, J.)

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