

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

WRIT PETITION NO. 12375/2019

Keru Kisan Zurange

.. Petitioner

vs.

State of Maharashtra & Ors

.. Respondents

.....
Mr. Sumit V. Khaire for the Petitioner.

Mr. Ravi P. Kadam, AGP for the State.

.....
**CORAM: K.K.TATED, &
RIYAZ I. CHAGLA, JJ.**

DATED : FEBRUARY 17, 2021

P.C.

. Heard.

2. By this Petition, under Article 226 of the Constitution of India, the Petitioner is seeking direction against Respondents to delete the mutation entry No. 4454 i.e. "Reserved for Resettlement Projected affected Person" made in the other right column from the 7/12 extract of the land old Gat No. 257, 270, new Gat No. 288, 310, area admeasuring 0 Hectare 90 Aars and 2 Hectares 45 Aars respectively situated at village Pilanwadi, Tal. Daund, Dist. Pune.

3. The learned counsel for the Petitioner submits that, neither the Respondents paid any compensation in respect of the said land nor they have deleted the said remark from the 7/12 extract. Hence, the Petitioner has preferred the present writ petition.

4. The learned AGP for the Respondent-State vehemently opposed the present writ petition. He has filed an affidavit in reply dated 10/02/2020.

5. The learned AGP for the Respondent-State submits that, in the present proceedings the Respondent on its own has given the consent for 3 Hectares 35 Aars of land from Gat No. 269 and 256. To that effect, he relies on letter dated 05/07/1990.

6. When this Court declined to entertain the present writ petition particularly, in respect of prayer clause (a) of the petition, the learned counsel for the Petitioner submits that, the Petitioner may be permitted to withdraw the petition with liberty to file afresh for the same cause of action. He has given in writing to withdraw the present petition and the same is taken on record and marked 'X' for identification. The same is accepted. Hence, the following order:

- a. The writ petition stands disposed of as withdrawn with liberty as prayed.
- b. All contentions of both the parties are kept open.
- c. No order as to costs.

(RIYAZ I. CHAGLA, J.)

(K.K.TATED, J.)