

Vidya Amin

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

WRIT PETITION NO. 12743 OF 2019

Smt. Jyoti Rocky Dias

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Mr. Sagar Ambedkar a/w. Mr Mandar Limaye for the petitioner.

Mr. V.S. Gokhale "B" Panel counsel for respondent nos. 1 to 4.

Mr. Rahul Sanklecha i/b. Mr. Abhijit P. Kulkarni for respondent nos. 5 and 6/SRA.

Mr. Vijay Upadhyay for respondent no. 9.

Mr. D.N. Kher, Court Receiver a/w. Ms. Rucha Ambekar, S.O. present.

CORAM : G.S.KULKARNI, J.

DATE : 28 October, 2021

P.C.:

1. After hearing of this petition progressed for sometime, Mr. Ambedkar, learned counsel for the petitioner seeks leave to withdraw this petition with liberty to the petitioner to file appropriate proceedings to challenge amended Annexure-II dated 14 December, 2017.

2. The petition is accordingly allowed to be withdrawn with liberty as prayed for.

3. Needless to observe under the impugned order passed by the Grievance Redressal Committee and consequent proceedings, the petitioner is stated to be dispossessed from the premises in question. It is open to the petitioner to establish her rights in

appropriate proceedings and in that event, if such rights are established, the petitioner would be entitled to seek restitution of her rights in regard to restoration of her possession.

4. All contentions of the parties in that regard are expressly kept open.

5. The Court Receiver has already submitted his report. He is accordingly discharged without passing accounts. The amount of Rs.10,000/- as directed by this Court is already deposited.

6. As the petitioner was bonafide pursuing proceedings before Grievance Redressal Committee and also this Court, any delay in instituting the proceedings in challenging Annexure-II needs to be condoned and the appropriate authority shall decide the proceedings which may be filed by the petitioner in that regard, without raising an objection as to limitation.

(G.S.KULKARNI, J.)

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AMIN

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