

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3640 OF 2021

**MOHD NISAR MOHD IBRAHIM PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Petitioner : Mr. Arun G. Kanade
AGP for Respondent/State : Mr. P.K. Lakhotiya
Advocate for Respondent No.2 : Mr. V.S. Bedre

...

**CORAM : MANGESH S. PATIL AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 05.01.2023

PER COURT :

Heard both the sides.

2. The petitioner has been seeking a direction to the respondent No.2 Municipal Corporation for removing encroachment from the land survey No.118 which according to him is a land of a public trust. The parties are unanimous that subsequently the alleged encroachers have filed a Civil Suit bearing No.R.C.S. No.338/2021 in the Civil Court at Ahmednagar against the Municipal Corporation as also the concerned Trust, seeking a declaration that the alleged encroachment is not a part of the property of the Trust and further seeking regularization of the construction carried out by them on that property.

3. In view of such supervening events the learned advocate for the petitioner seeks leave to withdraw the writ petition with liberty to once again approach this Court for the same relief depending upon the fate of the suit.

4. Leave is granted.
5. The writ petition is dismissed as withdrawn with liberty as prayed for.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)