

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

929 WRIT PETITION NO.5507 OF 2022

NIVRUTTI KASHINATH KHATANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners: Mr. Shingare K F
AGP for Respondent/State: Mr. P. G. Borade
Advocate for Respondents No.4&5: Mr. R. R. Karpe

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CORAM: ARUN R. PEDNEKER, J.

DATE: 04th MAY, 2023

PER COURT:

1. The learned counsel for the petitioners seeks leave to withdraw the present petition so as to enable them to move the appropriate forum to challenge the impugned order.

2. The writ petition is permitted to be withdrawn with liberty as above.

3. However, there was an interim order passed by this court dated 20.05.2022. All the interim relief orders are specifically vacated. However, during the pendency of the proceedings before the authority, the pipeline which runs the

water is permitted to be repaired by the respondents. There would be no obstruction until the proceedings are filed by the petitioners and the same are decided.

4. The final order passed by the appellate authority / State would be governing the field and the present order would stand vacated once the final order is passed by the appellate authority / State.

5. In the event the petitioners challenge the impugned order before the State Government, the time spent in prosecuting the present writ petition to be excluded in computing the period of limitation, in filing the proceedings before the State.

6. The writ petition is disposed of as withdrawn with above directions.

[ARUN R. PEDNEKER, J.]

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