

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

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WRIT PETITION NO.2647 OF 2023

Bhimabai Arjun Kalamkar

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.Kishor Patil a/w Ms.Rukmini Khairnar for the petitioners.

Ms.Sushma S. Bhende, AGP for the respondent nos.1 to 10.

**CORAM : R.D. DHANUKA &
GAURI GODSE, JJ.**

DATE : 18th April 2023

P.C.:-

. Mr.Patil, learned counsel for the petitioners invited our attention to the impugned order dated 10th January 2023 passed by the Tahsildar Khed, Pune directing DILR that the measurement cannot be carried out in view of the pendency of the suit filed by the respondent nos.11 and 12 i.e. Regular Civil Suit No.6 of 2023 pending before the 2nd Joint Civil Judge, Senior Division, Khed-Rajgurunagar. He also tenders a copy of the order dated 15th February 2023 passed by the 2nd Joint Civil Judge, Senior Division, Khed-Rajgurunagar granting liberty to the petitioners to carry out measurement of the suit properties only for the limited purpose of determining and ascertaining of area of excavation and mining, if they desire to do so and while doing so, they shall take precaution that notice of measurement should be issued with necessary modification.

2. Learned counsel for the petitioners, on instructions, seeks liberty to withdraw this petition with liberty to make an application before the Tahsildar for reconsideration of the order passed by the Tahsildar on 10th January 2023 upon considering the order dated 15th February 2023 passed by the 2nd Joint Civil Judge, Senior Division, Khed-Rajgurunagar below Exhibit-5 in Regular Civil Suit No.6 of 2023.

3. Writ petition is disposed off as withdrawn with liberty as prayed. If any application is made by the petitioners, learned Tahsildar to consider the effect of the order dated 15th February 2023 passed by the 2nd Joint Civil Judge, Senior Division, Khed-Rajgurunagar and to pass an appropriate order after hearing the petitioners as well as the respondent nos.11 and 12 in accordance with law and expeditiously. Parties are at liberty to act on the authenticated copy of this order.

GAURI GODSE, J.

R.D. DHANUKA, J.