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

**WRIT PETITION NO. 5539 OF 2013
WITH
INTERIM APPLICATION NO. 7961 OF 2023**

Eversmile Construction Co. Pvt.
Ltd. & Anr.

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Ms. Rujuta Patil, Mr. Hasan Mushabber i/by Negandhi Shah & Himayatullah for petitioners.

Mr. O. A. Chandurkar, Addl. Govt. Pleader a/w Mrs. R. A. Salunkhe, AGP for respondent nos.1 and 2.

**CORAM: DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE: 11th DECEMBER, 2023

P.C.:

- 1.** Heard Ms. Rujuta Patil, learned counsel representing the petitioners and Mr. O. A. Chandurkar, learned Addl. Government Pleader representing the respondent nos.1 and 2.
- 2.** The learned counsel for the petitioners has brought to our notice a letter dated 1st December, 2023 by the Assistant Director, Directorate of Enforcement, Government of India, addressed to the Collector, Pune, whereby it has been informed that the property, which is the subject matter of this writ petition, has now been released by the Directorate pursuant to an order passed by the Hon'ble Delhi High Court,

dated 20th September, 2023, in Crl. M. A. No. 8235 of 2021. The learned counsel for the petitioners has also stated that in view of the release of the property, the petitioners have written letter on 4th December, 2023 to the Divisional Commissioner, Pune, requesting him to grant approval for the draft Deed of Cancellation/Conveyance. She, thus, submits that petitioners may be permitted to withdraw the writ petition with liberty to take appropriate legal recourse, which may be available to the petitioners, in case the Divisional Commissioner/Collector do not act upon the prayer made by the petitioners for approval of Deed of Cancellation/Conveyance.

3. The letter of the Enforcement Directorate dated 1st December, 2023 and letter dated 4th December, 2023 written by the petitioners to the Divisional Commissioner, Pune are taken on record.

4. In view of the above, writ petition is dismissed as withdrawn with the liberty as prayed for.

5. Interim Application does not survive and stands disposed of accordingly.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)

PRAVIN
DASHARATH
PANDIT

Digitally signed by
PRAVIN DASHARATH
PANDIT
Date: 2023.12.11
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