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

WRIT PETITION NO.13235 2023

Teerth Towers Co-operative Housing ...Petitioner
Society Limited

V/s.

State of Maharashtra & Ors. ...Respondents

Mr. Pavan S. Patil a/w Mr. Yash Gawade for
Petitioner.

Mr. Pramod Patil, a/w Mr. Ajit Hon, Sakshi Thombre
i/by PNP & Associates for Respondent No.5

Mrs. V.S. Nimbalkar, AGP for Respondent-State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 19th December 2023

P.C.:

1. Mr. Pramod Patil, learned Counsel appearing for Respondent No. 5 states that the Respondent No.5- Yashwant Shankarrao Nimhan has instructed him to withdraw the application filed under the provisions of Section 5 of the Mamlatdars' Courts Act, 1906 bearing Ma.C. Act/05/S.R./02/2020, in view of the objection raised by the Petitioner to the maintainability of said application. As the said application filed under Section 5 of the Mamlatdars' Courts Act,

1906 itself is withdrawn, the order passed on the said application dated 24th December 2021 passed by Tahsildar, Mulshi, District Pune as well as order dated 12th April 2023 passed by Sub Divisional Officer, Maval-Mulshi, Sub-Division, Pune Division, Pune in Revision Application No. 17 of 2022 are quashed and set aside.

2. The Respondent No. 5 is at liberty to file appropriate proceedings.

3. It is clarified that this Court has not considered the merits and all contentions of the parties on merits are expressly kept open.

4. The Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)