

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 7470 OF 2022

(Hirasing s/o Bhisuji Jadhav ..vs.. State of Maharashtra, through its Principal Secretary, Revenue and Forest Department, Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.B. Gandhi, Counsel for the petitioner,
Mr. N.S. Rao, AGP for respondents 1 to 4.

**CORAM : ROHIT B. DEO &
Y.G. KHOBRAGADE, JJ.**
DATED : 16-01-2023

The learned Counsel for the petitioner Mr. J.B. Gandhi submits that an appropriate application shall be preferred before respondent 4 for recalling the order/decision whereunder the private respondents were permitted to withdraw the entire amount. This submission is made in the backdrop of the case of the petitioner that the entire proceedings are vitiated by fraud. According to the petitioner, the learned Counsel Mr. Patil, who identified him, was not engaged or authorised by the petitioner. The petitioner further contends that there is no Vakalatnama filed on record. While we are not inclined to delve deeper, we note that the allegations are extremely serious, disputed questions of fact are involved and it would be better to leave the adjudication to respondent 4.

2. We accept the prayer of the petitioner for permission to withdraw the petition with liberty to prefer

an appropriate application before respondent 4. Needless to observe, if such an application is preferred, the same shall be decided on its merit and in accordance with law, as expeditiously as possible, preferably within six weeks from filing thereof.

3. The petition is disposed of as withdrawn.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

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