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

**934 WRIT PETITION NO.3966 OF 2024
WITH
CIVIL APPLICATION NO. 5357 OF 2024
IN WP/3966/2024**

**KACHRU BHIKA TAYDE
VERSUS
THE STATE OF MAHARASHTRA, THR. ITS SECRETARY AND
OTHERS**

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Mr B. G. Sagade, Advocate for Petitioner
Mr S. R. Wakale, A.G.P. for Respondent Nos.1 to 4
Ms Pooja H. Tayade, Advocate for Applicant/Intervenor
Mr M. D. Gitte, Advocate for Respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.
DATE : 20th September, 2024**

PER COURT:

1. Respondent No.5 has placed before us a compilation of two documents (four pages), dated 14/03/2024, which is the Application of the Petitioner and the order thereon, dated 07/06/2024, passed by the District Collector (Rehabilitation), Chhatrapati Sambhajinagar. The said compilation is collectively marked as 'X' for identification.

2. What we find from the record is that the Petitioner was granted the Plot No.285, by the Grampanchayat Deoli, 18

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years ago. He has constructed a property over the said plot. For 18 years, the present Petitioner kept quiet. The said possessor of the land i.e. the Applicant before us, namely, Santosh Jagannath Tayade, is not even arrayed as Respondent in the Writ Petition. The Deputy Collector (Rehabilitation) has concluded that the Plot is in the possession of Santosh Jagannath Tayade and the Petitioner Kachru Bhika Tayade, cannot stake a claim on the same after 18 years.

3. The learned Advocate for the Petitioner submits that the Petitioner desires to withdraw the Writ Petition and approach the Civil Court considering the dispute between him and Santosh Tayade.

4. In view of the above, **this Writ Petition is disposed off**, as withdrawn on instructions. All contentions of the litigating parties, including the defence of adverse possession, are kept open, if any proceeding is initiated before the Civil Court.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk