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

929 WRIT PETITION NO. 6620 OF 2024

SUMATI GANESH RANKHAMB

VERSUS

**STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS**

....

Mr S. V. Dixit, Advocate for Petitioner;

Smt. K. R. Jamdhade, A.G.P. for Respondents/State

Mr K. N. Lokhande, Advocate for Respondent Nos.2 and 3

CORAM : RAVINDRA V. GHUGE

AND

Y. G. KHOBRAGADE, JJ.

DATE : 2nd July, 2024

PER COURT:

1. The record indicates that the Respondent/Ahmednagar Municipal Corporation carries an impression that the Petitioner is an encroacher, who has erected certain tin sheet enclosures, without any permission.

2. The learned Advocate Shri. Lokhande, who is on the Panel of the Municipal Corporation, points out paragraph No.5 of the memo of the Petition paper book and submits that, the

(2)

Petitioner avers that there was a dispute between the Vendors with Respondent No.2/ Municipal Corporation, Ahmednagar. A Special Civil Suit No.182/2003 was filed by the Vendors for seeking declaration of the title over the property. The said Suit was partly decreed. The Corporation filed Regular Civil Appeal No.328/2015 and succeeded. The said Appeal was allowed, but no finding about ownership of the Corporation is given. Second Appeal No.314/2022, filed by the Vendors, is pending.

3. In view of the above, we find that there are several disputed issues including the issue, as to how the Petitioner can be said to be the owner of the property, when her Vendors could not secure a declaration of title over the property, though the Petitioner claims that she purchased the property from such Vendors.

4. The learned Advocate for the Petitioner submits on instructions that the Petitioner desires to approach the Civil Court and leave may be granted to withdraw this Writ Petition.

(3)

5. In view of the above, **this Writ Petition is disposed off**, as withdrawn on instructions in the light of the aforesaid statement.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk