

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

WRIT PETITION NO. 5218 OF 2024

**SHESHRAO KISHANRAO BHALERAO DIED THR LRS KAMLABAI
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

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Advocate for Petitioner : Mr. Suryawanshi Kamlakar J.
AGP for Respondents/State : Mrs. Chaitali Choudhari Kutti

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**CORAM : SHAILESH P. BRAHME, J.
{ VACATION COURT }**

DATE : 30th MAY 2024.

Per Court :

. The petitioners are assailing order dated 12.10.2022 passed by the respondent no.2/District Magistrate and notice of possession dated 10.05.2024 issued by respondent no.3/Circle Officer. By impugned notice dated 10.05.2024, petitioners are called upon to hand over possession of residential house which is mortgaged with respondent no.4/bank. Learned Counsel for the petitioners submits that order dated 12.10.2022 is nullity as it is passed against dead person. The legal heirs of the petitioner are in possession of residential house.

2. Issue notice for final disposal to the respondents, returnable on 03.07.2024. Learned AGP waives service of notice

for respondent nos. 1 to 3. There shall be ad-interim relief in terms of prayer clause 'C' on condition that petitioners shall deposit an amount of Rs.10,00,000/- (Rupees Ten Lakhs Only) in this Court within four weeks from today.

3. Parties to act upon authenticated copy of this order.

**SHAILESH P. BRAHME
JUDGE**

Nafeeb...