

Suchitra

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.69 OF 2024

PRABHAKAR FAKIRRAO AHER ... PETITIONER

Versus

SALES CUM RECOVERY OFFICER ... RESPONDENTS
AND 3 ORS.

Mr Joaquim Godinho with Mr Manoj Jalmi, Advocates *for the Petitioner.*

Mr S. R. Rivankar, Senior Advocate with Mr Rama Rivankar, Advocate for the Respondent No.1.

**CORAM: M.S. SONAK &
VALMIKI SA MENEZES, JJ.**

DATE: 17th JANUARY 2024

P.C.:

1. Heard Mr Joaquim Godinho for the Petitioner and Mr S. R. Rivankar, learned Senior Advocate who appears along with Mr Rama Rivankar for the first respondent.
2. In this matter, we do not propose to go into the issues of maintainability, etc. because the petitioner and the first respondent agree that this petition can be disposed of based on an agreed order.
3. Mr Godinho and Mr Rivankar hand in an inspection/identification report dated 08.09.2023 along with a plan which is annexed to this report. This inspection/identification report dated 08.09.2023 and the attached plan are taken on record and marked as 'X' for the purpose of identification.

4. The report and the plan have divided the entire property of about 63,300 sq.mtrs. or thereabouts surveyed under No.36/3 of Village Dongurli, Taluka Sattari into three plots. Plots A and B (coloured in green and yellow respectively) admeasuring 22000 sq.mtrs. and 19300 sq.mtrs. respectively. Balance plot, which is not coloured admeasures 22,000 sq.mtrs.

5. Mr Rivankar, on instructions states that the auction that is proposed to be held on 22.01.2024 is in respect of only plots A and B admeasuring 22000 and 19300 respectively. On instructions, he states that the remaining plot admeasuring 22000 sq.mtrs. is not proposed to be auctioned. Mr Rivankar states that this plot of 22000 sq.mtrs. is not even mortgaged to the first respondent-bank.

6. Mr Godinho states that the petitioner is satisfied with the above statement and the petition could be disposed of based on this statement. Accordingly, we accept Mr Rivankar's statement which is made on instructions and dispose of this petition.

7. The petitioner has deposited Rs.1,00,000/- in this Court. Now that the matter is sorted out, the petitioner is allowed to withdraw this amount. The Registry to return this amount to the petitioner by transferring this amount into petitioner's bank account. Mr Godinho states that this bank account will be made available to the Registry at the earliest.

8. All concerned to act on an authenticated copy of this order.

VALMIKI SA MENEZES, J.

M. S. SONAK, J.

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