

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1347 OF 2024

Alka Ramesh Sable

... Petitioner

Versus

The State of Maharashtra thr. Government Pleader &
Ors.

... Respondents

Mr. Umair A. Ansari i/b. Mr. Mohsin Khan for the Petitioner.

Ms. Shruti D. Vyas, Addl. G. P. a/w. Ms. P. J. Gavhane, AGP for
Respondents-State.

ASHVINI
BAPPASAHEB
KAKDE

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BAPPASAHEB KAKDE
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CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 30th JANUARY, 2024

P.C.

1. This Petition is filed by the Petitioner being aggrieved by Notice dated 15th January 2024, issued to the Petitioner by the Tahsildar, Pune City, whereby the Petitioner has been called upon to vacate the premises within 15 days of the said Notice. It is stated that the period of 15 days would come to an end today.
2. We find that a co-ordinate bench of this Court in the proceedings of Writ Petition No. 8709 of 2023 (*Shri. Prakash Kartar Bijalani & Ors Vs. State of Maharashtra & Ors.*) has passed an order dated 30th November 2023 directing the State Government to remove the encroachments on CTS No.17, Final Plot No. 246, within a period of three months from the date of the said Order. It is in pursuance of the said Order that the said impugned Notice has been issued by the Respondents.
3. In our opinion, the appropriate remedy for the Petitioner would be to move an Interim Application in the pending Petition, if the Petitioner feels that

her rights in any manner are affected by the said Order passed by this Court in the said Writ Petition.

4. We, accordingly, permit the Petitioner to withdraw this Petition with liberty to move an Interim Application in the said Writ Petition. In so far as any proposed action being taken under the impugned Notice is concerned, we are of the opinion that it would be in the interests of justice that the Respondents are directed to stay their hands and not take any coercive action for a period of 10 days from today to enable the Petitioner to move an Interim Application in Writ Petition No.8709 of 2023.

5. We may observe that such protection is only in order to enable the Petitioner to move such an Interim Application and is no expression on the merits of the rival contentions.

6. Petition is allowed to be withdrawn in terms of the above orders and observations.

7. Parties to act on an authenticated copy of this Order.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)