

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4975 OF 2018

Digitally
Signed By
Vaidhyanath
Jadhav
Date
24.02.2024
Time
15:33:15

Valmik Sevantilal Maniar ... Petitioner
V/s.
The State of Maharashtra & Ors. ... Respondents

Mr. Meet Vithalani i/by Mr. Rakesh Kumar Singh for
the petitioner.

Mr. Sanjay D. Rayrikar, AGP for the State/respondent
Nos.1 to 4.

Mr. Atul Damale, Senior Advocate, with Ms. Deepa
Pohuja for respondent Nos.5 & 6.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 5, 2024

PC.:

1. On the last occasion this Court passed following order:

“1. Learned advocate for respondent Nos.5 invited my attention to page 468 to indicate that in furtherance of consent order passed by this Court on 10th July 2017, *the City Survey Officer has effected demarcation as per the order.* It also records that at that time the petitioner was present for demarcation of property. Therefore, according to learned advocate for respondent No.5, the petition is rendered infructuous.

2. Today, none appears for the petitioner.

3. Stand over to 5th February 2024 under the

caption “**for dismissal**”.”

2. Today learned advocate for the petitioner seeks time.
3. The statement of respondent No.5 made on 29th January 2024 is accepted. If the statement is correct, no further opportunity to make submission can be granted. However, it is open for the petitioner to apply for restoration of the writ petition if it is found that the statement made by respondent No.5 recorded in paragraph No.1 of order dated 29th January 2024 is factually incorrect or petition is not infructuous.
4. Learned Senior Advocate for respondent No.5 states that the statement recorded in paragraph No.1 of order dated 29th January 2024 be substituted by following words “the City Survey Officer has effected demarcation as per the order”.
5. Order dated 29th January 2024 be corrected accordingly and upload the same as order No.2 in this matter.
6. The writ petition is, therefore, disposed of as infructuous with liberty as per paragraph 3 of the order. No costs.

(AMIT BORKAR, J.)