

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 19376 OF 2024

Sonadevi Adhyaprasad Maurya And Ors	...Petitioners
Versus	
The State Of Maharashtra Through Gp And Ors	...Respondents

Adv. Suresh M. Sabrad, Amey Sawant, Neha Parte, Gracy Saldana, Pratik Sabrad, for the Petitioners.

Mr. D.a. Athavale, for the Respondent Nos. 2 and 3.

Adv. Tejesh Dande a/w Aniket Shitole and Trushna Shah, for the Respondent nos. 4 and 5.

Ms. P.J. Gavhane, AGP for Respondent no. 1- State.

Mr. Sanjeev P. Kadam, Senior Advocate i/b Prashant P. Raul a/w Adv. Mayur G. Sanap, for the Respondent No.6.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 25 MARCH 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed for the following substantive relief:-

“a) rule be issued, records and proceedings be called for;

b) that by an appropriate writ, order or direction, this Hon'ble Court be pleased to quash and set aside the letter dated 11.12.2024 bearing ref no. CIDCO/VASAHAT/SATYO/ULWE/261/2024/5386 issued by Respondent No.3 the Manager City Services-2, Colony Division, CIDCO to Petitioner and Respondent Nos.4 and 5 and stay all further proceedings of execution of tripartite agreement in respect of Plot No.279, Sector 19, admeasuring 499.83 sq. mtrs., situated at Village Ulwe, Taluka Panvel, District Raigad till the disposal of Special Civil Suit No.79 of 2019 filed by Petitioner pending before the Ld. Civil Judge Senior Division, Panvel;

c) Or in the alternative this Hon'ble Court be pleased to direct the Respondent Nos.2 and 3 to hear the Petitioners, Respondent Nos.4 and 5 as well as the Respondent No.6 and thereafter take decision of allotment of Plot No.279, Sector 19, admeasuring 499.83 sq. mtrs., situated at Village Ulwe, Taluka Panvel, District Raigad;"

2. Having noted the prayer, as the execution proceedings as arising out of the orders passed by the learned Civil Judge Senior Division in Special Civil Suit No. 79 of 2019 are pending, Mr. Sabrad, learned counsel for the petitioner and rightly so seeks leave to withdraw this petition with liberty to move an application in the execution proceedings.

3. We accordingly allow the petitioner to withdraw the petition with liberty as prayed for.

4. All contentions of the parties are expressly kept open.

5. At this stage, Mr. Sabrad, requests that the ad-interim protection which was granted by this court on 27 and 24 December 2024 be continued for a period of four weeks to enable the petitioner to move an appropriate application in the execution proceedings. We accept the request of Mr. Sabrad and merely for the petitioner to enable to approach the executing court, we extend the ad-interim order dated 24 December 2024 for a period of four weeks. However such extension is no reflection of this Court on the merits of the rival contentions which are expressly kept open to be urged in the pending proceedings.

6. Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]