IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 13745 OF 2025
IN
CIVIL APPLICATION NO. 2327 OF 2016
IN
WRIT PETITION NO. 9334 OF 2013

Sunil Ramchand Achhpal .. Applicant/Petitioner

Versus

The Tahsildar,
through State of Maharashtra .. Respondent

MANSI DHANANJAY SHELKE

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Date: 2026.08.12 10:47:24 +0530

Adv. Karan Nichani a/w Adv. Yashita Desai i/b Adv. P. V. Nichani for the Applicant/Petitioner.

Adv. Priyanka B. Chavan, AGP for Respondent-State.

CORAM: R.I CHAGLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: AUGUST 11, 2026

P. C.

1. By this Interim Application, the Applicant has sought for permission to withdraw the sum of Rs. 1,09,798/- along with interest deposited in this Court and accrued interest.

2. The Applicant had deposited the aforesaid sum upon an Order being passed by this Court. By this Order dated 28th September, 2016, a

direction had been issued to the Respondent that no coercive steps be taken against the Applicant based upon the impugned Notice dated 30th July, 2016. This was in Civil Application No. 2327 of 2016. Thereafter, this Civil Application came to be disposed of by a subsequent Order dated 6th December, 2018 passed by this Court on the ground that no such relief as sought for in this Civil Application can be granted as it would amount to a substantive relief being granted in a disposed of Writ Petition. This Court has kept it open for the Applicant to adopt an appropriate remedy for challenging the impugned notices.

3. The Applicant has sought the aforesaid relief of withdrawing this deposited amount on the ground that there remains no dispute in the several proceedings referred in the Interim Application, that the present Writ Petition has attained finality, any Order passed in the Civil Application has merged with the final order of the Writ Petition, that the amount deposited with this Court merely to establish *bonafides* serves no purpose and it would not be appropriate to keep the amount deposited with this Court indefinitely.

4. The Learned AGP appearing for the Respondent has submitted that, in the event this Court is inclined to grant the relief sought for in the Interim Application, the protection which had been granted to the Applicant

by the said Order dated 28th September, 2016, namely, that no coercive steps would be taken against the Applicant based upon the impugned notice dated 30th July, 2016 on condition of depositing of the said amount, would no longer survive, and that the impugned notice will be taken to its logical conclusion.

5. We have considered the submissions of the parties. The Interim Application which seeks withdrawal of the aforesaid sum of Rs. 1,09,798/- alongwith accrued interest, which have been deposited by the Applicant pursuant to the Order dated 28th September, 2016, was in order for the Applicant to secure protection, viz, for no coercive steps to be taken against the Applicant based upon the impugned notice dated 30th July, 2016. Thereafter, the Civil Application, in which the said Order has been passed, itself came to be disposed of by the subsequent Order dated 6th December, 2018, by this Court holding that the relief of quashing of the impugned notice issued subsequently on 30th July, 2016 cannot be granted in a disposed of Petition as it would amount to a substantive relief being granted. The Applicant, though having been granted liberty to adopt an appropriate remedy for challenging the impugned notice, has chosen not to do so. In that view of the matter, the relief sought in the Interim Application upon being

granted, cannot come in the way of the Respondents proceeding against the Applicant in respect of the impugned notice dated 30th July, 2016.

6. We accordingly allow the present Interim Application. The Applicant is permitted to withdraw the said sum of Rs. 1,09,798/- along with accrued interest deposited with this Court. The Registrar is accordingly directed to release the said sum of Rs. 1,09,798/-, along with the accrued interest till realisation, to the Applicant, within a period of two weeks from today. The Applicant is at liberty to challenge the impugned Notice dated 30th July, 2016 as per the liberty already granted vide Order dated 6th December, 2018 passed by this Court.

7. Interim Application is accordingly disposed of.

[FIRDOSH P. POONIWALLA, J.] **[R. I. CHAGLA, J.]**