

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 26210 OF 2015

Balasaheb S. Jadhav & anr.	.. Petitioners
vs.	
The Additional Commissioner, Pune Division, Pune & ors.	.. Respondents

Mr. Ameet Palkar for the Petitioners.
Mr. S.D. Rayrikar, AGP for Respondent Nos.1 to 4 & 27.
Mr Milind Deshmukh for Respondent No.6,7 & 8.

CORAM : M. S. SONAK, J.
DATE : 08 OCTOBER 2015.

P.C. :-

1] This matter was heard for some time. Thereafter, Mr. Milind Deshmukh, learned counsel who appears on behalf of Respondent Nos.6,7 and 8, on basis of instructions from the said Respondents, seeks leave to withdraw the Revision Petition bearing RTC/Rasta/24/2013 instituted by the said Respondents before the Sub-Divisional Officer (SDO), Kadegaon. In the peculiar facts and circumstances of the present case, such leave is granted. Consequently, the impugned orders dated 19 August 2014, 23 January 2015 and 18 March 2015 will not survive and the same are set aside. The Application for leave to withdraw is accompanied by liberty to institute fresh proceedings before the Tehsildar/Mamlatdar under the provisions of Mamlatdars' Courts Act, 1906. Such liberty,

again, in the peculiar facts and circumstances of the present case, is granted.

2] In case, Respondent Nos.6,7 and 8 institute fresh proceedings before the Tehsildar/Mamlatdar, then the same are to be decided on their own merits and in accordance with law. All contentions of all parties are kept open.

3] This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

4] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**