

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.6349 OF 2014
WITH
CIVIL APPLICATION NO.604 OF 2015**

Shamlal Amarlal Notani & Ors. .. Petitioners.
Vs.
The State of Maharashtra & Ors. .. Respondents.

Mr.N.V. Walawalkar, Sr. Advocate i/b Prashant Bhavake for the
Applicants.
Mrs.M.P. Thakur AGP for the Respondent Nos.1 to 3.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 5TH MARCH, 2015

P.C.

1. Not on board. Taken on board.
2. Heard learned senior counsel for the Petitioners and learned AGP for the State.
3. The Civil Application No. 604 of 2015 is for amendment of the writ petition. By the amendment, a challenge is sought to incorporated in the writ petition to the order dated 7th January, 2015 passed by the District Collector on the application made by the petitioners.
4. Learned senior counsel appearing for the Petitioners, on instructions, states that the Petitioners do not desire to press the

application dated 3rd February, 2014 which is the subject matter of grievance in the main petition. We may note here that the contention raised in the reply filed by the State Government is that the said application was already rejected.

5. We allow the amendment in Civil Application No.604 of 2015. Formal amendment shall be carried out within two weeks from today.

6. By the amendment, a challenge is incorporated to the order dated 7th January, 2015 passed by the District Collector. An Appeal under the provisions the Maharashtra Land Revenue Code, 1966, will be available against the said order. Therefore, it is not necessary to entertain the writ petition as amended.

7. Accordingly, we dispose of the petition by the following order :

(i) Civil Application No. 604 of 2015 is allowed in terms of prayer (a);

(ii) As the petitioners desire to withdraw the application dated 3rd February, 2014 we set aside the order dated 1st June, 2014 passed on the said application and permit the petitioner to withdraw the said application dated 3rd February, 2014 on the ground that the petitioner has made another application dated 3rd November, 2014.

(iii) As far as the challenge to the order dated 7th January, 2015 is concerned, the petition is not entertained as an efficacious remedy of preferring an appeal under the Maharashtra Land Revenue Code, 1966 is available to the petitioners.;

(iv) The petition is accordingly disposed of. The remedy of the petitioners to challenge the order 7th January, 2015 is hereby kept open. Contentions of the parties on merits are kept open.

(v) If an appeal is preferred by the petitioner, the same shall be disposed of expeditiously.

(A.K. MENON, J.)

(A.S. OKA, J.)