

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1606 OF 2011**

M/s. Bhatwadekar & Co.	...Petitioners
<i>Versus</i>	
Union of India & Ors.	...Respondents

**WITH
CIVIL APPLICATION NO. 1613 OF 2013
IN
WRIT PETITION NO. 1606 OF 2011**

Bharat Gaikwad & Others	...Applicants
<i>In the matter between</i>	
M/s. Bhatawadekar & Co.,	...Petitioners
<i>Versus</i>	
Union of India & Ors.	...Respondents

Mr. Mohan Jayakar, i/b M/s. Jayakar & Partners, for the
Petitioners.
Mr. P.S. Gujar, for Respondent No. 1.
Mr. V.S. Gokhale, AGP, for Respondent Nos. 3 and 4.
Mr. S.R. Ingale, i/b Mr. V.S. Kapse, for Respondent No. 9.

**CORAM: A. S. OKA & G.S. PATEL, JJ.
DATED: 10th December 2015**

PC:-

1. Heard learned counsel appearing for the Petitioner and the learned counsels appearing for the Respondent Nos. 1 and 9

respectively as also learned AGP appearing for Respondent Nos. 3 and 4.

2. The learned counsel appearing for the Petitioners seeks permission to withdraw this Petition with liberty to adopt appropriate remedy under the Maharashtra Land Revenue Code, 1966 for challenging the sale of the subject property effected in favour of the Respondent No. 9. As a statutory remedy is available under the Maharashtra Land Revenue Code 1966, the said prayer deserves to be accepted.

3. Accordingly, we dispose of the Petition by passing the following order:

- (a) The Petition is disposed of by granting liberty to the Petitioners to adopt appropriate proceedings in accordance with the provisions of the Maharashtra Land Revenue Code, 1966; if such appropriate remedy is adopted, the concerned Authority is bound to take into consideration the fact that the present Petition was filed on 7th February 2011 in which the notice was issued on 23rd February 2011 and that the same remained pending till today;
- (b) To enable the Petitioners to adopt appropriate remedy and to seek appropriate interim relief therein, the ad-interim relief granted on 23rd February 2011 shall continue to operate for a period of 12 weeks from today;

- (c) All contentions on merits are kept open;
- (d) In view of disposal of the Writ Petition, Civil Application No. 1613 of 2013 does not survive and the same is disposed of as such.

(G. S. PATEL, J.)

(A. S. OKA, J.)