

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10360 OF 2014**

Vithalbhai Devshibhai Patel & Anr.	..Petitioners
Vs.	
Anna Balya @ Baliram Mhatre & Ors.	..Respondents

Mr. R. D. Soni i/b Ram & Co. for the Petitioners
Mr. Pratap Patil for the Respondent No.1
Mrs. Vaishali Nimbalkar AGP for the Respondent Nos.2 to 6

CORAM : R. M. SAVANT, J.
DATE : 6th APRIL, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 22-10-2014 passed by the Additional Commissioner, Konkan Division, Mumbai, by which order, the Revision Application No.104 of 2014 came to be allowed and resultantly the order dated 6-2-2014 passed by the Additional Collector Raigad, Panvel, in Appeal No.356 of 2012, came to be set aside and the order of the Sub Divisional Officer, Panvel, Sub-Division Panvel dated 8-7-2013 came to be confirmed.

2 It is not necessary to consider the challenge raised in the above Petition on merits in view of the remedy by way of a Second Revision which is available to the Petitioners against the impugned order dated 22-10-2014. This is in view of the Judgment of a Division Bench of this Court in LPA No.55 of 2023 in Writ Petition No.7477 of 2002 dated 13-7-2005. The Learned Counsel appearing for the Petitioners in view of the said remedy available on

instructions makes a statement that a Revision would be filed by the Petitioners within two weeks from date. If any such Revision is filed by the Petitioners, the Revisionary Authority is directed to hear and decide the same latest by 31-7-2015. The same to be done on its own merits and in accordance with law by passing a speaking order.

3 Needless to state that the contentions of the parties have not been considered by this Court and it is before the Revisionary Authority that the parties would urge their contentions. Pending the disposal of the Revision Applications and till 31-7-2015, the status-quo granted vide order dated 4-3-2015 would continue to operate. The parties to appear before the Revisionary Authority on 28-4-2015 prior thereto a copy of the Revision Application may be served on Mr. Pratap Patil the Learned Counsel appearing for the Respondent No.1 who would forward the same to the Respondent No.1. The Learned Counsel fairly assures the Court that the Respondent No.1 would not raise the issue of limitation in so far as the filing of the Revision Application is concerned. Statement accepted. This is necessary in view of the fact that it is the Learned Counsel for the Respondent No.1 who has raised the objection regarding the maintainability of the above Petition in view of the alternate remedy available.

4 With the aforesaid directions the Writ Petition is disposed of.

[R.M.SAVANT, J]