

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5475 OF 2016

Agari Vidyarthi Mandal, Bhiwandi .. Petitioner

vs.

The State of Maharashtra and ors. .. Respondents

Mr. J. A. Udaipuri i/b M/s. Udaipuri & Co. for the Petitioner.
Ms M.S. Bane, B-Panel Counsel for the State-Respondents.

CORAM : M. S. SONAK, J.
DATE : 28 JULY 2016.

P.C. :-

1] The challenge in this petition is to the order dated 9 November 2015 made by the Additional Commissioner, Konkan Division dismissing the petitioner's appeal under Section 247 of the Maharashtra Land Revenue Code, 1966 (Code).

2] As against the aforesaid order, the petitioner has an alternate and efficacious remedy available under the provisions of the Code. Therefore, there is no reason to entertain the present petition. The petition is accordingly, dismissed, with liberty to the petitioner to avail such alternate remedies as are provided under the Code.

3] The learned counsel for the petitioner states that the petitioner will avail such alternate remedy within a period of two weeks from today. He submits that though the impugned order was made on 9 November 2015, certified copy of the same was delivered only on 3 February 2016 and this petition was filed on 3 March 2016

or thereabouts. The learned counsel for the petitioner further states that during pendency of the appeal before the Additional Commissioner, there was interim relief operating in favor of the petitioner, subject to deposit of Rs.5 Lacs. Leaned counsel for the petitioner further states that this amount of Rs.5 Lacs has in fact, been deposited by the petitioner.

4] Relying upon the aforesaid statements made by the learned counsel for the petitioner, the interim relief, which was in operation during the pendency of the appeal, is hereby extended for a period of four weeks from today. It is made clear that the extension of such interim relief is not on merits, as, this Court, has not adverted to the merits of the matter. Therefore, all contentions of all parties are kept open.

5] With liberty as aforesaid, the present petition is disposed of.

(M. S. SONAK, J.)

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