

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4300 OF 2017

WITH

WRIT PETITION NO. 4301 OF 2017

WITH

WRIT PETITION NO. 4302 OF 2017

WITH

WRIT PETITION NO. 4304 OF 2017

WITH

WRIT PETITION NO. 4306 OF 2017

WITH

WRIT PETITION NO. 4307 OF 2017

WITH

WRIT PETITION NO. 4308 OF 2017

Shri Shri Gurudeo Co-operative Housing
Society Ltd. & Anr.

]

Petitioners

Vs.

The State of Maharashtra & Ors.

]

Respondents

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Mr. Vishal Kanade i/b Kanga & Co., for the petitioners.

Mr. Sachin Kankal, for respondents No.1 and 2.

Mr. S.S. Patwardhan a/w Mr. Chaitanya Nikte, for respondent No.3.

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CORAM : R.G. KETKAR, J.

DATE : 12TH APRIL, 2017.

P.C.

Not on board. At the request of Mr. Kanade taken up in
the production board.

2. Heard Mr. Kanade, learned Counsel for the petitioners, Mr. Kankal, learned A.G.P for respondents No.1 and 2 and Mr. Patwardhan, learned Counsel for respondent No.3.

3. These petitions take exception to the orders dated 31st March, 2016 passed by Sub Divisional Officer, Haveli Sub Division Pune in applications filed by respondent No.3 in appeals preferred by respondent No.3. By these orders, S.D.O has condoned the delay in filing the appeals.

4. Mr. Patwardhan raised preliminary objection on the ground that against the impugned orders, the petitioners have an equal, efficacious and alternate statutory remedy under the provisions of Maharashtra Land Revenue Code, 1966. He, therefore, submitted that the petitions are not maintainable. Mr. Kande was not in a position to controvert this position.

5. In view thereof, Mr. Kanade seeks permission to withdraw these petitions with liberty to file appeals before the appropriate Authority. He assures that the petitioners will file appeals within two weeks from today and serve copy of the appeal

memos in advance on respondent No.3 and other respondents. He further submitted that the appeals are fixed for hearing by S.D.O on 17th April, 2017.

6. Learned Counsel appearing for the parties jointly submit that they will take suitable date before the Appellate Authority. In view thereof, petitions are allowed to be withdrawn with a liberty as prayed for and are disposed of in following terms:

[1] The petitioners shall file Appeals within two weeks from today and shall serve copy of the Appeal Memos during this period on the other side.

[2] The Appellate Authority namely S.D.O will suitably adjourn hearing of the appeals as per the mutually agreed convenient date between the parties.

[3] It is made clear that I have not examined merits of the case. All the contentions of the parties are expressly kept open. Order accordingly.

[R.G. KETKAR, J.]