

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7570/2017

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Girish R. Agrawal for the petitioner
Mr. Pratik Rahade i/b. P. N. Joshi for respondent No.1.

CORAM : K. K. TATED, J.

DATE : JULY 6, 2017

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the petitioner, the matter is taken on board for urgent orders.

2. By this petition under Article 227 of the Constitution of India, the petitioner challenges order dated 03.02.2017 passed by the learned Additional Commissioner, Nasik Division, Nasik in RTS/Revision/306/2011 allowing the respondent's application for condonation of delay in filing RTS No.63/2007.

3. The learned counsel for the respondent raised preliminary objection that against the order impugned in the Writ Petition, a revision is maintainable u/s.257 of the Maharashtra Land Revenue Code, 1966 (the Code). He submits that earlier when the order was passed by the

Additional Commissioner on 09.05.2017 in Revision Application No.306/2011 it was challenged by the petitioner before the State of Maharashtra u/s.257 of the Code. Hence, the present Writ Petition is not maintainable as an alternate efficacious remedy is available.

4. On the other hand, the learned counsel for the petitioner, after arguing for some time, seeks permission to withdraw the Writ Petition with liberty to file revision u/s.257 of the Code. To that effect, he has given in writing. Same is taken on record and marked "X" for identification.

5. The learned counsel for the petitioner submits that the respondent may be restrained from carrying out any amendment/change in the Mutation Entry No.844 in respect of the property being Gut No.398/5 at Mauje Neelvandi, Tq. Dindori, Dist. Nasik for four weeks.

6. Considering the submissions made by the learned counsel for the petitioner and the objection raised by the respondent and as the petitioner seeks liberty to withdraw the Writ Petition with liberty to file revision u/s.257 of the Code, following order is passed:

- a. Order dated 03.02.2017 passed by the learned Additional Commissioner, Nasik Division, Nasik in RTS/Revision/306/2011 is stayed till 04.08.2017.
- b. The Writ Petition stands disposed of as withdrawn with liberty as prayed for.
- c. No order as to costs.

JUDGE