

Gujarati Social Union and Another ...Petitioners
vs.
State of Maharashtra and Others ...Respondents

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

P.C.:

Challenging the notices dated 31st March, 2017 and 9th January, 2017 (Exhibit “P” Colly.) issued by Respondent No. 2, the Petitioners have filed this Petition.

2. A preliminary objection has been raised on behalf of the Respondents that since against the impugned notices, an efficacious alternative remedy under Section 274 of the Maharashtra Land Revenue Code, 1966 of filing an Appeal before the Maharashtra Land Revenue Tribunal is available to the Petitioners, the Petition be not entertained.

3. The learned Senior counsel for the Petitioners submits that in view of the aforesaid preliminary objection, the Petitioners may be permitted to withdraw this Petition with liberty to the Petitioners to approach the Tribunal by filing Appeal under Section 274 of the Maharashtra Land Revenue Code, 1966. He further prays that as there is every likelihood that Respondents may take possession of the property of the Petitioners in execution of the impugned notices, a protective order for a limited period may be passed so that the Petitioners may apply for stay before the Tribunal in the Appeal as may be filed.

4. Taking into consideration the facts and circumstances of the case, we allow the Petitioners to withdraw the Petition with liberty to challenge the impugned notices before the Tribunal. We also record the statement made by the learned counsel for the Respondents that the Respondents shall not take steps for recovery of the possession in pursuance to the impugned notices till the stay application is decided by the Tribunal.

5. The Petitioners to file Appeal on or before 10th April, 2017 before the Tribunal along with the stay application.

6. We direct the Tribunal to decide the stay Application if filed by the Petitioners for interim relief on or before 20th April, 2017.

7. The statement made by the learned counsel for the Respondents shall continue till the stay Application is decided by the Tribunal. The said statement shall be without prejudice to the rights and contentions of the parties. The Tribunal shall decide the stay Application and the Appeal on its own merits.

8. Needless to say that we have not expressed our opinion on the merits of the matter and all contentions are kept open.

9. The Petition is disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)