

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12468 OF 2017

**UTTAM DAGDUJI BHAGAT
VERSUS
THE ADDITIONAL COLLECTOR, HINGOLI AND OTHERS**

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Advocate for the Petitioner : Shri G. L. Deshpande
AGP for Respondent Nos. 1 and 2 : Shri S. R. Yadav-Lonikar
Advocate for Respondent No. 3 to 5 and 7 : Shri G. G.Kadam

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 14th DECEMBER, 2018.

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PER COURT :

1. The petitioner, who is the original applicant before the Tahsildar confirms by virtue of a hand-written correction carried out in his application dated 03/11/2015 addressed to the Mamlatdar, that though this application was under Section 5 of the 1906 Act, he has invoked Section 143 of the MLR Code and, therefore, his application should be treated as one being under Section 143.

2. In view of the same, since the order has been passed by the Tahsildar under Section 143 and the petitioner, who is aggrieved as a new path has not been created, he would be at

liberty to resort to a civil suit.

3. The learned Advocate, therefore, seeks to withdraw this petition on instructions so as to prefer a regular civil suit.

4. In view of the above, this petition is disposed off as withdrawn with liberty as prayed.

(RAVINDRA V. GHUGE, J.)

shp/-