

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11175 OF 2018

BHIKARYA FULJI GAVIT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Shri Shinde M.D. h/f Shri Ambilwade S.A.
AGP for Respondents 1 to 4 : Shri Yadav-Lonikar S.R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 08, 2018

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PER COURT :-

1 The petitioners are aggrieved by the order dated 29.12.2016 passed by the Additional Commissioner, Nasik. It appears that the certified copy of the said order was obtained by these petitioners on 2.2.2017 and yet this petition was filed on 22.7.2018.

2 The petitioners have a statutory remedy of preferring second revision under Section 257 of the MLR Code in view of the judgment of the Apex Court in Gurudassing Nawoosing Panjwani Vs. State of Maharashtra [2015 (6) Mh.L.J. 915].

3 As such, this petition is disposed off with liberty. If the second revision is preferred within three weeks from today, the Honourable Minister would consider the request of the petitioner for ad interim protection. In the event of delay, the period spent by the petitioners in

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this Court from 23.7.2018 shall be considered as a ground for condonation of delay.

4 Needless to state, the contention of the petitioner that RCS No.29 of 1997 filed by them was in fact allowed by judgment dated 26.2.1998 and the RCA No. 13 of 1998 filed by the defendants was dismissed on 3.7.2003, which was completely lost sight of in the impugned order, shall be considered by the Honourable Minister while deciding the Second Revision preferred by the petitioners.

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(RAVINDRA V. GHUGE, J.)

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