

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13910 OF 2018

(Anand Devidas Kadam and others Vs. Rakesh Devidas Jagtap (Deshmukh) and others)

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. Surel S. Shah for Petitioners.

Mr. A. B. Kadam, AGP for Respondents No.5 and 6-State.

CORAM : R. G. KETKAR, J.**DATE : 10TH DECEMBER, 2018****P.C.:**

Not on Board. At the request of Mr. Shah, taken up in the production Board.

2. Heard Mr. Shah, learned Counsel for petitioners and Mr. Kadam, learned AGP for respondents No.5 and 6-State.

3. This Petition takes exception to the order dated 31.10.2018 passed by the Sub-Divisional Officer, Madha Division, Kurduwadi (for short 'S.D.O.') in Miscellaneous/SR/108 of 2017. By that order, S.D.O. condoned the delay of 39 years in filing the appeal.

4. As the petitioner has an equally efficacious alternate statutory remedy of filing revision under Section 76 of the Maharashtra Tenancy and Agricultural Lands Act, in my

opinion, this is not a fit case for invocation of powers under Article 227 of the Constitution of India.

5. In view thereof, Mr. Shah seeks leave to withdraw this Petition with liberty to file revision application. He assures that within one week from today, petitioners will file revision application before M.R.T. Mr. Shah states that S.D.O. has fixed the appeal on 12.12.2018.

6. On the oral application made by Mr. Shah, Petition is allowed to be withdrawn with liberty as prayed for. S.D.O. will not proceed with the hearing of the appeal for a period of one week from today. This direction shall not be construed as an expression of merits either way. All contentions of the parties on merits are expressly kept open. All parties, including S.D.O. to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)

Minal Parab