

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3988 OF 2015

Shri. Gangaram Dhaku Gore	}	
and Anr.	}	Petitioners
versus		
The State of Maharashtra	}	
and Anr.	}	Respondents

Mr. Sandeep V. Marne for the petitioners.

Mr. A. I. Patel-Additional Government
Pleader for respondent nos. 1 and 2.

**CORAM :- S. C. DHARMADHIKARI &
PRAKASH. D. NAIK, JJ.**

DATED :- MARCH 21, 2018

P.C. :-

1. After this petition was argued for some time and the attention of Mr. Marne was invited to section 247 of the Maharashtra Land Revenue Code, the presence of alternate remedies thereunder, Mr. Marne fairly states that this writ petition be allowed to be withdrawn with liberty to avail of an alternate and equally efficacious remedy. All that he would request is the continuation of the ad-interim order for a reasonable period so as to enable the petitioners to approach the appellate authority.

2. Having noted this request and finding that the ad-interim order is in force from 17th April, 2015, interest of justice would be served if we pass the following order:-

“(i) The writ petition is allowed to be withdrawn with liberty to file an appeal or appropriate proceedings before the appellate authority under the Maharashtra Land Revenue Code, 1966.

(ii) This court clarifies that it has expressed no opinion insofar as the rival contentions are concerned and to avail of alternate remedies, the ad-interim order passed on 17th April, 2015 shall continue for a period of eight weeks from today.

(iii) The grant of liberty as above and the continuation of the ad-interim order both are without prejudice to the rights and contentions of all parties and the appellate authority is not obliged to continue this ad-interim order unless *prima face* case is made out by the petitioners.”

3. With the aforesaid directions, the writ petition is disposed of.

(PRAKASH.D.NAIK, J.)

(S.C.DHARMADHIKARI, J.)