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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7712 OF 2017

Shri. Balasaheb Rakhmaji Gaikwad

...Petitioner

V/s.

Shri. Bhaurao Ananda Gaikwad & Ors

...Respondents

Mr. Bharat Gadhvi i/b. M/s. Tejesh Dande & Associates for the Petitioner.

Mr. S.H. Kankal, AGP for State-Respondent Nos.6 & 7.

Mr. Tushar N. Sonawane for Respondent Nos. 1 to 5.

**CORAM : R.D. DHANUKA, J.**

**DATE : 05TH FEBRUARY, 2018.**

**P.C. :-**

1. The learned counsel appearing for the parties invited my attention to the judgement of the Supreme Court in the case of ***Gurudassing Nawoosing Panjwani Vs. State of Maharashtra & Ors. [(2016) 2 SCC 213]*** and would submit that the second revision is maintainable under Section 257 of the Maharashtra Land Revenue Code, 1966 before the concerned Minister.

2. The learned counsel for the petitioner seeks permission to withdraw this petition with liberty to file revision before the concerned Minister under Section 257 of the Maharashtra Land Revenue Code, 1966 within two weeks from today and prays for continuation of the

ad-interim order passed by this Court for some time.

3. Writ petition is allowed to be withdrawn with liberty to file a revision under Section 257 of the Maharashtra Land Revenue Code, 1966 which shall be filed within two weeks from today. The papers and proceedings of the revision application shall be served upon the contesting parties simultaneously. The petitioner would be at liberty to apply for continuation of the ad-interim protection granted by this Court before the learned Minister.

4. Ad-interim protection granted by this Court on 11<sup>th</sup> July, 2017 to continue for a period of four weeks from the date of filing revision before the learned Minister. The learned Minister shall consider whether to continue this ad-interim relief granted by this Court or not after hearing both the parties.

5. It is made clear that if the revision application is not filed within two weeks from today, ad-interim relief granted by this Court would stand vacated without further reference to this Court. The application for stay shall be considered and disposed of by the learned Minister before expiry of six weeks from today. All contentions of both the parties are kept open. This Court has not expressed any views on the merits of the matter. Writ petition is dismissed as withdrawn with the aforesaid directions.

6. If any adverse order is passed by the learned Minister against

the petitioner and the ad-interim protection granted by this Court is not continued, such adverse order shall not be implemented for a period of one week from the date of communication of that order. Parties to act on the authenticated of this order.

**(R.D. DHANUKA, J.)**