

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12002 OF 2015

Dadaso Akaram Jadhav ... Petitioner
Vs.
Vasantrao Akaram Jadhav and others ... Respondents

Mr. Bhushan Walimbe for Petitioner.
Mr. Vishwanath Talkute for Respondent No.2.
Mr. Abhijeet Kadam, AGP for Respondents No.3 to 6 - State.

CORAM : R. G. KETKAR, J.
DATE : NOVEMBER 19, 2018

P.C. :

Heard Mr. Walimbe, learned Counsel for the petitioner, Mr. Talkute, learned Counsel for the respondent No.2 and Mr. Kadam, learned AGP for respondents No.3 to 6-State.

2. This Petition takes exception to the order dated 31.07.2013 in Revision Application No.RTS/Sangli/58/2011 as also order dated 21.04.2015 in Review Application No.RTS/Rev.Sangli/66/2013 passed by the Additional Commissioner, Pune Division, Pune. By order dated 31.07.2013, the Additional Commissioner dismissed the Revision Application and confirmed the order dated 12.10.2009 passed by the Additional Collector in RTS/Second Appeal/188/2008. By order dated 21.04.2015, the Additional Commissioner dismissed the Review Application filed by the petitioner.

3. Mr. Talkute raised preliminary objection about maintainability of the Petition on the ground that petitioner has an equally efficacious alternate statutory remedy of filing Revision Application before the State Government. He relied upon the decision of the Apex Court in *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra*, (2016) 2

SCC 213. He, therefore, submitted that this Court need not exercise its power under Article 227 of the Constitution of India.

4. In view of the decision of **Gurudassing Nawoosing Panjwani** (*supra*), I find merit in the submission of Mr. Talkute. The petitioner has an equally efficacious alternate statutory remedy of filing revision application before the State Government. In view thereof, Mr. Walimbe seeks permission to withdraw this Petition with liberty to file revision application before the State Government within 8 weeks from today. He further states that it may be clarified that the time spent by the petitioner in prosecuting this Petition from 29.08.2015 till date may be excluded while considering the issue of limitation.

5. In view thereof, on the motion made by Mr. Walimbe, Petition is allowed to be withdrawn with liberty as prayed for. If the petitioner files Revision Application within 8 weeks from today, the time spent by the petitioner in prosecuting this Petition from 29.08.2015 till date shall be excluded while considering the issue of limitation. All contentions of the parties except maintainability of the Revision Application before the State Government are expressly kept open. If the revision application is filed within 8 weeks from today, the State Government is requested to dispose of the same within 6 months from the presentation of the Revision Application. Order accordingly.

(R. G. KETKAR, J.)