

Anand

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

WRIT PETITION NO. 9880 OF 2018

Mohanbhai Premji Patel & ors.

.Petitioners

Vs.

The State of Maharashtra & ors.

.Respondents

Mr. M. L Patil, Advocate, for the Petitioners

Mr. A. B. Kadam, AGP, for the Respondent Nos. 1 to 6 – State

Ms Prachi Dhanani i/b. Veritex Legal, Advocate, for the
Respondent No. 7

CORAM : REVATI MOHITE DERE, J.

DATE : 07.09.2018

P.C.

. At the outset, learned AGP for the Respondent Nos. 1 to 6 and the learned counsel for the Respondent No. 7 raise a preliminary objection with regard to the maintainability of the aforesaid Petition, on the ground, that an alternate efficacious remedy is available to the Petitioners against the impugned order. They submit that the impugned order dated 31.07.2018 passed by the Additional Commissioner, Konkan Division is revisable under Section 257 of the Maharashtra Land Revenue Code and that a Revision Application ought to have been filed by the Petitioners

against the said order before the Hon'ble Minister.

2. In view of the preliminary objection raised by the learned counsel for the Respondents, learned counsel for the Petitioners seeks leave to withdraw this Petition with liberty to file a Revision before the Hon'ble Minister for Revenue & Forest alongwith an Application for stay. He states that he will file the Revision alongwith the stay Application before the Hon'ble Minister within one week from today.

3. Accordingly, the Petition is disposed off as withdrawn with liberty as prayed. If an Application is filed alongwith the Application for stay, the Hon'ble Minister is requested to consider & pass appropriate orders on the Application for stay as expeditiously as possible and in any event within four weeks from the date of filing of the Revision Application and stay Application.

4. Learned counsel for the Respondent No. 7 states that she will not raise the issue of limitation before the Hon'ble Minister.

5. It is made clear, that this Petition has not been heard on merits. All contentions of all parties are kept open.

6. The Petition is disposed off on the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)