

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.13490 OF 2018

Mohammad Akhil Queshi & Anr.] Petitioners
Vs.
State of Maharashtra and others.] Respondents

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Mr. Amar Bhatt i/b Yogesh D. Keny, for the Petitioners.
Mr. S.H. Kankal, A.G.P, for Respondents No.1 and 2-State.
Mr. Kirankumar J. Phakade, for Respondents No.3.

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CORAM : R.G. KETKAR, J.

DATE : 21ST DECEMBER, 2018.

P.C:

Heard Mr. Bhatt, learned Counsel for the petitioners, Mr. Kankal, learned A.G.P, for respondents No.1 and 2 and Mr. Phakade, learned Counsel for respondent No.3.

2. By this Petition under Article 227 of the Constitution of India, the petitioners have challenged the order dated 3rd November, 2018 passed by respondent No.2, Additional Commissioner, Konkan Division, Mumbai in Revision/Desk/Adivasi/250/2018 (wrongly mentioned as “Appeal” in the order). By that order, respondent No.2 allowed Revision Application filed by respondent No.3 herein under section 7 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (for short 'Act'). The matter was heard at length on 19th December, 2018 and was kept today so as to enable Mr. Phakade to take instructions as to whether respondent No.3 is agreeable for setting aside the impugned order.

3. Rule. Mr. Kankal waives service on behalf of respondents No.1 and 2 and Mr. Phakade waives service on behalf of respondent No.3. Having regard

to the narrow controversy raised in this Petition as also at the request and by consent of learned Counsel for the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

4. Mr. Phakade, on instructions states that the impugned order may be set aside and revision application may be restored to the file of the Additional Commissioner keeping all contentions of the parties open.

5. In view thereof, by consent of the petitioners and respondent No.3, impugned order is set aside. Revision Application is restored to the file of the Additional Commissioner for deciding afresh. All contentions of the parties on merits including maintainability of the revision application are expressly kept open. Rule is made absolute with no order as to costs.

[R.G. KETKAR, J.]