

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 473 OF 2014
WITH
CIVIL APPLICATION NO. 5687 OF 2017**

Anil Dhondiram Pawar	... Petitioner
Versus	
The Collector, Ahmednagar and others	... Respondents

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Mr. Abhijit C. Darandale, Advocate for petitioner.
Mr. A. B. Chate, AGP for respondent No.1.
Mr. V. S. Bedre, Advocate for respondent No.2.
Mr. A. K. Gawali, Advocate for respondent No.3.

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CORAM : M. S. KARNIK, J.

DATED : 21st AUGUST, 2019

PER COURT :-

1. Learned counsel for respondent No.2 – Municipal Council raised a preliminary objection regarding the maintainability of this writ petition. He invited my attention to Section 318 of the Maharashtra Municipal Councils, Nagar Panchayats & Industrial Townships Act, 1965 and submits that against the order impugned passed by the Collector under Section 308 of the said Act, the remedy of revision is provided.

2. In view of above submission, learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to file revision before the State Government.

3. Leave granted.

4. The writ petition is disposed of as withdrawn with liberty as prayed for.

5. If the revision is filed within a period of four weeks from today, the revision shall be decided by the State Government on its own merits and the plea of limitation will not be raised nor Revision be dismissed on the ground of limitation as the petitioner was bonafide prosecuting this petition.

6. Learned counsel for respondent No.3 who is the original allottee, opposed the continuation of interim relief which is already granted by this Court. He would submit that the status-quo order was passed exparte. He submits that he is willing to pay lease rent to the Council, however, the Council is not accepting the lease rent.

7. Learned counsel for the petitioner on the other hand submits that he is in possession of the premises and he is paying the lease rent regularly to the Council.

8. In this view of the matter, without prejudice to the rights and contentions of the parties, the Council to accept the lease rent as it may be deposited by the petitioner as well as respondent No.3 . This would abide by the orders that may be passed by the State Government in the Revision.

9. The order of status-quo, which is already operating in favour of the petitioner to continue till the disposal of Revision by the State.

10. The State Government is requested to decide the Revision expeditiously, in any event within a period of three months from the date of filing of Revision. It is made clear that if the revision is not filed before the State Government within a period of four weeks from today, the status-quo order will stand vacated.

11. In view of disposal of the writ petition, nothing survives in the civil application and the same stands disposed of.

[M. S. KARNIK, J.]

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