

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

951 WRIT PETITION NO.10553 OF 2018

PADMASHREE DR VITTHALRAO VIKHE PATIL FOUNDATION
VILADGHAT THROUGH SECRETARY GENER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Hon Ashwin V.
AGP for Respondent No. 1 State : Mr. A.B. Chate.
ASG for Respondent No. 2 : Mr.Deshpande Sanjeev B.

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CORAM : M.S.KARNIK, J.

Dated: August 08, 2019

PER COURT :-

Preliminary objection is raised by the learned AGP that against the order, which is impugned, at page No. 89, dated 23.01.1987, passed by the Tahsildar, there is remedy for filing an appeal under Section 247 of the Maharashtra Land Revenue Code, before the Commissioner, Revenue Department, Nashik Division, Nashik.

2. Faced with this objection, the learned Senior Counsel Mr. Hon, seeks liberty, to withdraw this petition, to avail alternate remedy, available under Section 247 of the M.L.R.Code.

3. The Writ Petition is allowed to be withdrawn, with liberty as prayed for. It is made clear that I

have expressed no opinion on merits of the matter and all the contentions are kept open. The statement made earlier to continue for the period of six weeks from today. Since the petitioner has been prosecuting the present petition under the bonafide impression that against the order of the Tahsildar, the Writ Petition would lie, an appeal if preferred, within a period of three weeks from today, the same shall not be objected on the ground of delay.

4. The Writ Petition stands disposed of as withdrawn with liberty as prayed for.

(M.S.KARNIK)
JUDGE

mahajansb/