

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10878 OF 2019

Amit s/o Sunil Kothule
& others

Petitioners

Versus

The Deputy Collector
Land Acquisition No. 3
& others

Respondents

Mr. N.V. Gaware, advocate for the petitioners.
Mr. N.T. Bhagat, AGP for respondents no. 1 and 2.
Mr. V.R Dhorde, advocate for respondents no. 3 and 4.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th September, 2019

PER COURT:

1. This matter was heard for some time.
2. The learned Advocate for the petitioners has taken instructions from one of the petitioners present in the Court and submits that they should be permitted to withdraw this petition so as to avail of the remedy of filing a civil suit seeking a declaration that the alternate path from North-South direction abutting land Gat no. 49 to reach Khadki-Walki road was a customary road and was used as *vahivaat* for a long duration. They would thus pray that the road be used by all the litigating sides and the persons on the North and East side of the land Gat no. 48.

3. In view of the above, this petition is disposed off with liberty, as is prayed for in the foregoing paragraph. Needless to state, all the contentions of the litigating sides are kept open. It goes without saying that the recourse, which the petitioners desire to take, would not be an impediment for the execution of the impugned order passed by the revisional authority. The findings of the authority would be restricted to the order passed with reference to the removal of obstacles under Section 5(2) of the Mamlatdar's Courts Act, 1906.

RAVINDRA V. GHUGE
JUDGE

dyb