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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13028 OF 2018

Shri SureshParsharam Borukar (Deceased)

Through Legal heirs

1.1 Smt. Supushpa Suresh Borukar and Ors. ... **Petitioners.**

Versus

Chandrakant Parsharam Borukar (Deceased)

Through Legal heirs

1.1. Shivaji Shankar Nimbalkar and Ors. ... **Respondents.**

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Mr. Satyan N. Vaishnav a/w Ms. Nupur J. Mukherjee, i/b M/s N. N. Vaishnawa & Co. for Petitioners.

Mr. Parag Kolhe for Respondents.

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CORAM : A. S. GADKARI, J.

DATE : 13TH AUGUST, 2019

P. C. :

1. The order impugned herein dated 24.07.2018 is passed by the Additional Commissioner, Konkan Division, Mumbai, under Section 257 of Maharashtra Land Revenue Code, 1966 in Appeal/Desk/RTS/Revision 879 of 2017.

2. At the outset, the learned counsel appearing for the respondents submitted that the petitioner is having remedy of further revision before the State Government, in view of the decision

of the Hon'ble Supreme Court in the case of *Gurudassingh N. Panjwani Vs. State of Maharashtra & Others*, reported in (2016) 2 SCC 213 and without availing the said remedy, petitioners have directly approached this Court.

3. In view thereof, Mr. Vaishnav, learned counsel for the petitioners, on instructions, seeks leave to withdraw the present petition with liberty to file a revision under Section 257 of Maharashtra Land Revenue Code, 1966 before the State Government.

Leave and liberty granted.

4. Writ Petition is disposed of as withdrawn with the aforesaid liberty.

5. It is to be noted here that, this Court has not adjudicated upon issue involved in the present petition and it is disposed of on the ground of the preliminary objection raised by the learned counsel for respondents.

(A. S. GADKARI, J.)