

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.1377 OF 2018
IN
WRIT PETITION NO.6971 OF 2018

Radheshyam S. Agrawal
& Others

.. Applicants.

v/s.

The Tahsildar, Thane
& Others

.. Respondents.

Mr. Vivek Salunkhe with Mr. Vishal Jathar i/b. MDP & Partners, for the Applicants.

Mr. Y. S. Khochare, AGP, for the Respondent Nos.1, 3 and 5.

Ms. Shraddha S. Chavan i/b. Mr. Sachin P. Gorwadkar, for the Respondent No.4.

**CORAM: A.S.OKA &
M.S.SANKLECHA, JJ.**
DATE : 18th MARCH, 2019.

P.C:-

The learned Counsel appearing for the Applicants has placed on record a copy of order dated 25th May, 2018 which is taken on record and marked 'O1' for identification.

2 The learned Counsel appearing for the Applicants seek to incorporate a challenge to the order dated 25th May, 2018. The said order is passed on the basis of show cause notice dated 20th December, 2017 which is the subject matter of challenge in the main Writ Petition. Thus, on the basis of the impugned show cause notice which is the subject

matter of challenge in the main Writ Petition, now there is an order passed on 25th May, 2018 in exercise of powers under Sections 84A, 84B and 84C of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short “the said the Act of 1948). Against the order dated 25th May, 2018, there is a statutory appeal provided under Section 74 of the said Act of 1948. Now that an order has been made on the basis of show cause notice impugned in the Writ Petition and there is an efficacious remedy of appeal available against the said order, the present Writ Petition need not be entertained. Even Civil Application seeking amendment of the Writ Petition for incorporating a challenge to the order dated 25th May, 2018 need not be entertained.

3 Accordingly, both **Writ Petition** and **Civil Application** are **disposed of** with liberty to the Petitioner to file appropriate proceedings in accordance with law.

4 If an appeal is preferred by the Petitioner, the concerned Appellate Authority bound to note that Civil Application for amendment for incorporating a challenge to the order dated 25th May, 2018, was filed on 26th June, 2018 and the same remained pending in this Court till today.

5 All the contentions on merits are kept open.

(M.S.SANKLECHA,J.)

(A.S.OKA,J.)