

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

903 SECOND APPEAL NO.621 OF 2017
WITH CA/12257/2017 IN SA/621/2017

BABURAO GANPAT GITE, THROUGH GPA - SOMNATH BABURAO GITE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AHMEDNAGAR AND ANOTHER

...

Advocate for Appellant : Shri Palodkar Devdatt P.
AGP for Respondent nos.1 & 2: Shri P.M. Kulkarni

CORAM: V.L. ACHLIYA, J.

DATE: 27.02.2020

PER COURT :

1] Learned counsel for the appellant, on instructions from the appellant, seeks permission to withdraw the appeal with liberty to avail appropriate remedy provided under the Maharashtra Land Revenue Code, 1966. He submits that Section 36-C of the M.L.R. Code provides express bar to entertain the suit as against the orders passed by the Collector u/s 36, 36-A or 36-B. Due to improper advice, the appellant has filed proceedings before the Civil Court challenging the order passed by the Tahsildar. The withdrawal Purshis filed by appellant is taken on record and marked as 'X' for identification.

2] Allowed to withdraw. Dismissed as withdrawn. The appellant will be at liberty to adopt remedy as available under law

subject to law of limitation. Delay, if any, caused in filing such proceedings, the concerned authority may consider the time the appellant spent in prosecuting the remedy by filing civil suit. In view of withdrawal of appeal, pending civil application stands disposed of as dismissed. Interim protection, if any operating, to remain in operation for a period of four weeks from today.

(V.L. ACHLIYA, J.)