

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

WRIT PETITION NO. 2713 OF 2020

Sungaurd Builders LLP Ltd., ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Drupad S. Patil, Advocate i/by Dheeraj D. Patil for the Petitioner.

Mrs. P. J. Gavhane, AGP for the State.

CORAM : K.K.TATED & N.R. BORKAR, JJ.

DATE : DECEMBER 21, 2020.

PC :

1 Heard learned counsel for the parties.

2 By this petition under Article 226 of the Constitution of India, the Petitioner is challenging the order dated 19.12.2019 passed by the Respondent No. 5 – Tahsildar, Taluka – Mulshi, Dist. Pune under section 48 of the Maharashtra Land Revenue Code, 1966.

3 Learned counsel for the Petitioner submits that the Petitioner has already preferred an Appeal under section 247 of the Maharashtra Land Revenue

Code, 1966 before the Sub-Judicial Officer, Pune and the same is pending for hearing and final disposal on its own merit. He, therefore, submits that in view of the pendency of the Appeal the Petitioner may be permitted to withdraw the present Petition with liberty to proceed with the Appeal on its own merits. To that effect he has given in writing. The same is taken on record and marked "X" for identification. The same is accepted.

4 Hence, following order is passed.

i. The concerned Sub-Divisional Officer to decide the Appeal preferred by the Petitioner under section 247 of the Maharashtra Land Revenue Code, 1966 on its own merit, after hearing both the sides.

ii. All contentions of both the parties are kept open.

5 Writ Petition stands disposed of as withdrawn with no order as to costs.

(N.R.BORKAR, J.)

(K.K. TATED, J.)

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