

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

912 WRIT PETITION NO.6271 OF 2021

MANIKRAO YASHVANTRAO PATIL DIED THR LRS
KALAVATIBAI MANIKRAO PATIL DIED THR LRS AND OTHERS
VERSUS
FAKRUDDIN KHAJUDDIN DIED THR LRS SHAIKH CHANDSAB
FAKRUDDIN AND OTHERS

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Advocate for Petitioners : Mr. Halkude Sharad S.
AGP for Respondent/s-State : Mr. S. R. Yadav.
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CORAM : V. K. JADHAV, J.
DATE : 29.04.2021

PER COURT :-

1. Heard.
2. The learned AGP has raised the preliminary objection that an alternate remedy of filing Second Revision before the State Government is available to the petitioners.
3. The learned counsel for the petitioners has also not disputed this legal position. The learned counsel for the petitioners, however, submits that this Court (Coram : Ravindra V. Ghuge, J.) in Writ Petition No.2382 of 1994 directed to restore the first revision preferred before the

Commissioner by the petitioners and considering the protection granted to the possession of the petitioners of the property during the litigation, extended the said protection during the pendency of the revision and even thereafter for a further period of six weeks. The learned counsel submits that by order dated 24.03.2021, the learned Commissioner has decided the revision against the petitioners. The learned counsel submits that six weeks' protection that would come to an end on 05.05.2021. The learned counsel submits that the said protection may be extended for a reasonable period considering the prevailing pandemic situation.

4. The learned counsel on the basis of the aforesaid submissions, seeks leave to withdraw this Writ Petition with liberty to the petitioners to avail an alternate remedy of filing the second revision before the State Government.

5. Leave granted.

6. Writ Petition is disposed off as withdrawn with liberty to the petitioners to avail an alternate remedy as available in law. In view of the order passed by this Court (Coram : Ravindra V. Ghuge, J.) in Writ Petition No.2382 of 1994 dated 15.06.2017,

the said protection protecting the possession of petitioners over the suit property is hereby extended for a further period of six weeks. After the expiry of said period of six weeks, it is open for the petitioners to file an appropriate application in the Second Revision, if preferred before the State Government for an appropriate interim relief for protection of possession.

(V. K. JADHAV, J.)

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vmk/-