

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO.7401 OF 2018

MASJID PARDESI GALLI BELAPUR THRU TRUSTEE NIZAMUDDIN
FAKIR MOHAMMAD INAMDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the petitioner.
Mr. A.B. Chate, A.G.P. for respondent Nos. 1 to 4.
Mr. Parag Barde, Advocate for respondent No. 5.

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CORAM : **N.J. JAMADAR, J.**

DATE : 5th April 2021.

PER COURT :

1. Heard the learned Counsel for the petitioner.
2. It is pointed out that by a Resolution dated 18th September 2015, issued by the Government of Maharashtra (Revenue and Forest Department), an appeal is provided against the order passed under Section 28 (1AA) of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 to the authority under Section 247 of the Maharashtra Land Revenue Code, 1966.
3. The learned Counsel for the petitioner, on instructions, seeks leave to withdraw the petition with liberty to assail the order impugned herein before the authority provided under Maharashtra Land Revenue Code, 1966.
4. The petition stands disposed of as withdrawn, with liberty as prayed for.

5. The time spent in prosecuting this petition before this Court shall be accounted for in case the issue of limitation is raised.

6. It is hereby made clear that this Court has not entered into the merits of the dispute nor conclusively considered the tenability of the appeal.

7. In the event it is held that the appeal is not tenable, the petitioner shall have liberty to again assail the impugned order by preferring a petition before this Court.

(N.J. JAMADAR, J.)

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