

Prajakta Vartak

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

WRIT PETITION NO.4075 OF 2021

Shri.Eknath Shankar Tupe & Ors.

...Petitioners

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr.Rohan Sawant with Mr.Prabhakar Jadhav for the Petitioners.

Mr.S.H. Kankal, AGP for the State.

CORAM : G. S. KULKARNI, J.

DATE : SEPTEMBER 08, 2021

PC :

1. After this petition was heard for sometime, Mr.Sawant, learned counsel for the petitioners seeks leave to withdraw this petition and rightly so, as a remedy of an appeal is available to the petitioner under the provisions of Section 247 read with Schedule-E of the Maharashtra Land Revenue Code 1966, to assail the impugned order, which is passed by the Sub-Divisional Officer, Haveli Sub-Division, Pune. Allowed to be withdrawn with liberty as prayed for.

2. However, only to enable the petitioners to move the appellate authority alongwith a stay application the ad-interim protection as granted by the order dated 12 August, 2021 shall continue to operate for a period of two weeks. The continuation of such protection in no manner shall be construed to be

any expression on the merits of the matter. The appellate authority shall accordingly decide the appeal without being influenced by the continuation of the protection, and on its own merits.

3. All contentions of the parties are expressly kept open.
4. The writ petition stands disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)