

DDR

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

WRIT PETITION NO. 11445 OF 2018

CHETAN SITARAM BHUMKAR .. PETITIONER
VS.

ARUN SAMPATRAO PATIL & ORS. .. RESPONDENTS

Mr. Sugandh Deshmukh i/b. Mr. Ganesh K. Gole for the petitioner.
Mr.A.Y. Sakhare, Senior Advocate a/w. Mr. J. Carlos for respondent
No.1.

Mr. S.D. Rayrikar, AGP for State.

CORAM : M.S.KARNIK, J.

DATE : MARCH 1, 2021

P.C.:-

Heard learned counsel for the petitioner.

2. Learned AGP raised an objection that against the impugned order passed by the Additional Commissioner, Revenue Division, there is remedy of filing revision under Section 257 of the Maharashtra Land Revenue Code, 1966.

3. Faced with this objection learned counsel for the petitioner on instructions of the petitioner who is present in the Court seeks leave to withdraw this Petition with liberty to file revision. Leave is granted to withdraw this Petition with liberty to file revision.

4. In case revision is filed, the revisional authority to consider the period spent in prosecuting this Petition as bonafide if a question of considering delay arises.

5. Learned counsel for the petitioner submits that by an order dated 10th October, 2018 this Court had directed the parties to maintain status quo in respect of the Mutation Entry No.13219 till the next date. According to learned counsel for the petitioner, this order has been breached by the respondent No.1. Learned Senior Advocate for the respondent No.1 submitted that there is no breach of the order.

6. In any case, if there is breach of the order passed by this Court, it is for the petitioner to resort to the appropriate remedies. All contentions are kept open to be decided in the course of the revision and also in respect of the alleged breach of the order dated 10th October, 2018.

7. I may not be understood to have expressed any opinion on the merits or otherwise on the contentions of the rival parties. Revision to be decided on its own merits.

8. The Writ Petition is disposed of as withdrawn with liberty.

(M.S.KARNIK, J.)

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