

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2545 OF 2018

Sau. Mirabai Nagorao Kene

Vs.

Additional Commissioner, Amravati Division, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.S. Patil, Advocate for petitioner.
Shri A.M.Kadukar, AGP for respondent No.1.
Shri R.G. Somkuwar, Advocate for respondent no.2.

CORAM : V.M. DESHPANDE, J.

DATE : 15th FEBRUARY, 2021.

Heard Shri P.S. Patil, learned counsel for the petitioner, Shri A.M. Kadukar, learned Assistant Government Pleader for respondent no.1 and Shri R.G. Somkuwar, learned counsel for the respondent no.2.

(2) The Sub-Divisional Officer vide order dated 09.06.2017 allowed the proceedings filed on behalf of the respondent no.2. Felt aggrieved thereby the petitioner filed an appeal before the Additional Collector, Amravati and the said authority vide order dated 11.08.2017 allowed the appeal filed on behalf of the petitioner by setting aside the order 09.06.2017 passed by the Sub-Divisional Officer, Daryapur. Thereafter, the respondent no.2 filed an appeal before the Additional Commissioner, Amravati vide Appeal No.107/RTS-64/Antargaon/2017-18. The Additional Commissioner vide order dated 25.01.2018 allowed the

appeal on the ground that the Collector was not having jurisdiction to decide the appeal since the appeal was to be filed before the Additional Commissioner against the order passed by the Sub-Divisional Officer. The said fact is not disputed by the learned counsel for the petitioner before this Court.

(3) The learned counsel for the petitioner submits that permission be given to him to withdraw this writ petition with liberty to file appeal to challenge the order passed by the Sub-Divisional Officer, Amravati.

(4) The writ petitioner is permitted to be withdrawn with liberty to the petitioner to file an appeal along with application for condonation of delay, which will be decided by the appellate authority on its own merit, in accordance with law. The writ petition is disposed of. No order as to costs.

JUDGE

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