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

WRIT PETITION NO.14924 OF 2021
WITH CA/555/2022 IN WP/14924/2021

**MOHAN PRABHAKAR VAIDYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Mr Yashodeep P. Deshmukh, Advocate h/f Mr A. D. Kawre,
Advocate for petitioner;

Mr K. B. Jadhavar, A.G.P. for respondent/State

Mr A. S. Bajaj, Advocate for respondent No.5

Mr A. D. Gadekar, Advocate for respondent Nos.7 to 9 and 11 to
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CORAM : SMT. BHARATI DANGRE, J.

DATE : 1st February, 2022

PER COURT:

1. Heard the learned Counsel for the petitioner, the learned Counsel for respondent No.5, the learned Counsel for respondent Nos.7 to 9 and 11 to 18 as well as learned AGP for respondent Nos.1 to 4.

2. The respondents have raised preliminary objection about the maintainability of the petition, on the ground of an existing alternate efficacious remedy. Reliance is placed upon Section 249(2) of the Maharashtra Land Revenue Code, 1966, which provide that an order passed in a revision varying or reversing any

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order, shall be appealable, as it being the order passed by the Revisional Authority in an appeal.

At this stage, on being confronted with the said provision, the learned Counsel for the petitioner fairly state that he has already filed a Review Application under Section 258 of the Code and this Review is pending before the Additional Commissioner.

In the wake of the pendency of the review application before the very said authority, where the petitioner alleging that the order is passed without adhering to the principles of natural justice and he was not even noticed, it is incumbent upon the said authority to decide the said review application.

In the aforesaid circumstances, the learned Counsel for the petitioner seeks liberty to withdraw the petition with a limited direction being issued to the authority to decide the said application filed by him in a time bound manner.

While granting permission to withdraw the petition, I have no hesitancy in directing the Additional Commissioner, to decide the proceedings in the form of ROR/REV/CR-353, pending on his file, to be decided within a period of six weeks from today.

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Needless to state that all the parties including the petitioner shall render their cooperation to the Additional Commissioner in culminating the proceedings in the time bound manner.

In view of the disposal of the writ petition, the pending civil application is also disposed of.

The order passed by this Court, restraining the respondent from alienating the property shall continue to govern the parties for further period of six weeks, within which the Additional Commissioner is directed to culminate the proceedings.

(SMT. BHARATI DANGRE, J.)

sjk