

Prajakta Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10399 OF 2018

NITCO Ltd.

..Petitioner

Vs.

State of Maharashtra & Ors.

..Respondents

Mr. Atul Rajadhyaksha with Mr. Akhilesh Dubey, Mr. Vagish Mishra, Mr. Dharmesh Joshi and Mr. Uttam Dubey i/b. Law Counsellors for Petitioners.

Mr. Sachin Kankal, AGP for State/Respondent.

CORAM : G.S. KULKARNI, J.

DATE : FEBRUARY 02, 2023

P.C.:

1. This petition is filed assailing an order dated 27 February, 2018 passed by the Divisional Commissioner, Konkan Division, whereby Review Application No. 8 of 2016 as filed by the State of Maharashtra against the petitioner has been allowed

2. Mr. Rajadhyaksha, learned senior counsel for the petitioner states that an alternate remedy of an appeal is available to the petitioner to assail such order passed on the review application under the provisions of Section 249 of the Maharashtra Land Revenue Code, 1966 (for short,

“MLRC”). He would submit that as an alternate remedy is available to the petitioner, the petition needs to be disposed of keeping all contentions of the parties open.

3. Mr. Kankal, learned AGP would not dispute that such an remedy would be available to the petitioner under the provisions of Section 249 of the MLRC Act.

4. The petition is accordingly disposed of permitting the petitioner to avail an opportunity which is required to be filed before the State Government as per Section 248 of the MLRC.

5. All contentions of the parties on the proposed proceedings are expressly kept open.

6. Needless to observe that as the petitioner was pursuing this petition bonafide, appeal if any filed by the petitioner within a period of two weeks from today, the same be adjudicated on its own merits without any objection on the issue of limitation.

7. Ad-interim order passed in the present proceedings shall continue

to operate for a period of two weeks to enable the petitioner to take recourse to the appropriate remedy and/or praying for any interim reliefs before the appellate court. Continuation of the ad-interim protection would in no manner amount to any expression on the merits of rival contentions.

[G.S. KULKARNI, J.]