

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8023 OF 2023

Sau. Rekha Sanjay Dhablae

.. Petitioner

v/s.

Shri. Jitendra Daga Ragatwan
and Ors.

.. Respondents

...

Mr. Jayendra D. Khairnar, Advocate for Petitioner.

...

CORAM : SANDEEP V. MARNE, J.

DATED : JULY 21, 2023.

P.C. :

1. The learned Counsel for the Petitioner seeks leave to withdraw the Petition with liberty to file appeal under Section 6 of the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 before the appropriate Forum.

2. The only apprehension that Mr. Khairnar, the learned Counsel appearing for the Petitioner expresses is that on account of rejection of Appeal filed by Respondents no. 2 to 5 by non-speaking order dated January 2, 2023, the Appeal of the Petitioner may also meet the same fate. This cannot be a ground to entertain the present petition without petitioner availing the

statutory remedy of Appeal. Needless to observe that, in case the Petitioner files an Appeal under Section 6 of the Act and any issue as to jurisdiction creeps up, the Tribunal will hear the Petitioner and pass reasoned order even with regard to the issue of jurisdiction. The Petitioner shall also be entitled to file an application for interim protection during the pendency of his Appeal.

3. With the above observations, the Writ Petition is allowed to be withdrawn and is **disposed of**. There shall be no order as to costs.

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(SANDEEP V. MARNE, J.)