

Dusane

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

WRIT PETITION NO.9686 OF 2023

Smt. Malatibai Babasaheb Kalbhor ...Petitioners
since deceased thru' LRs

V/s.

Additional Commissioner & Ors. ...Respondents

Mr. Drupad Patil a/w Namit Kumar Pansare for
Petitioners.

Mr. Surel Shah a/w Mr. Aditya Bendre for
Respondent Nos. 2A to 2F, 2G/a to 2G/d, 2H/a, 2I/
b(i) to 2I/b(4).

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

CORAM: MADHAV J. JAMDAR, J.
DATE: 1st December 2023

P.C.:

1. The Petitioner is challenging the legality and validity of the order dated 5th June 2023 passed by Additional Divisional Commissioner, Pune Division, Pune in RTS Revision No.485 of 2022.

2. Mr. Shah, learned Counsel appearing for the Respondent No.2 states that there is an alternate remedy of revision under Section 257 of the Maharashtra Land Revenue Code,

1966. He further states that the impugned order is a common order in RTS Revision Nos. 485 of 2022 and 486 of 2022 and the Petitioners have availed an alternate remedy of revision as far as RTS Revision No. 486 of 2022 is concerned. In view of these submissions, the Petitioners seeks withdrawal of the Writ Petition with liberty to avail alternate remedy of Revision. He states that the Revision will be filed on or before 20th December 2023. Mr. Shah states that if Revision is filed within aforesaid time, no objection is taken for condonation of delay.

3. Mr. Patil, learned Counsel appearing for the Petitioners states that as far as Revision filed before the Hon'ble Minister against order passed in RTS Revision No. 486 of 2022 already stay has been granted by the Hon'ble Minister on 28th July 2023. He states that the impugned order is the common order in RTS Revision Nos. 485 of 2022 and 486 of 2022. Accordingly, till the Hon'ble Minister hears the stay application or main Revision filed under Section 257 of the Maharashtra Land Revenue Code, 1966, whichever is earlier, the order passed in RTS Revision No. 485 of 2022 shall remain stayed.

4. The Writ Petition is disposed of with no order as to costs.

5. It is clarified that this Court has not considered the

merits and all contentions of the parties on merits are expressly kept open.

BHALCHANDRA
GOPAL
DUSANE

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(MADHAV J. JAMDAR, J.)