



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10903 OF 2023

Anil Tukaram Gawade

.Petitioner

Vs.

Sau. Kamladevi Balkisan Kansal & ors.

.Respondents

Mr. Sanjeev Sawant i/b. Mr. Abhishek Deshmukh, Advocate, for
the Petitioner

Mr. Prashant Darandale, Advocate, for Respondent No. 1

Mr. P. G. Sawant, AGP, for Respondent Nos. 2 to 5 – State

CORAM : MADHAV J. JAMDAR, J.

DATE : 27.09.2023

P. C.

1. Learned AGP has raised a contention that there is an alternate remedy of revision under Section 257 of the Maharashtra Land Revenue Code, 1966.

2. Mr. Sawant, learned counsel appearing for the Petitioner states that he has instructions to withdraw the Writ Petition with liberty to file appropriate proceedings.

3. Mr. Darandale, learned counsel appearing for Respondent No. 1 states that as the property in question has been sold by registered Sale Deed dated 03.04.2008, the

Petitioner has no locus to challenge the impugned order.

4. However, as Mr. Sawant, learned counsel appearing for the Petitioner has instructions to withdraw the Writ Petition, this Court is neither considering the merits of the case nor the contention regarding locus. Accordingly, the Writ Petition is allowed to be withdrawn with liberty to file appropriate proceedings.

5. It is clarified that this Court has not considered the merits of the matter and all the contentions on merits are expressly kept open including the point whether the Petitioner has locus to challenge the impugned order.

6. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such, subject to above.

(MADHAV J. JAMDAR, J.)