

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7702 OF 2018

[M/s. Kinza Traders ..V/s.. State of Maharashtra and Ors.]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr V. S. Kukday, Advocate for Petitioner.
Mr V. A. Thakare, AGP for Respondent Nos.1 to 3.

CORAM : VALMIKI SA MENEZES, J.

DATE : 7th JUNE, 2023.

. Heard.

2. Learned Counsel appearing for petitioner fairly submits that the petition is otherwise not maintainable in view of the alternate remedy of an appeal provided under Section 247 of the Maharashtra Land Revenue Code, 1966 ("Code", for short). He further submits that the present petition was filed on 28.03.2018, which was otherwise within the period of limitation of 60 days provided under the Act for filing an appeal. He submits that under similar circumstances, this Court has allowed the petitioner to withdraw their petition and directed to file an appeal before the appropriate Forum, saving the time spent before this Court in a writ petition. For that purpose, he cites two judgments in Montecarlo Ltd. Iron Triangle (Joint Venture), Ahmedabad ..V/s.. State of Maharashtra and others, reported in 2022(3) Mh.L.J. 289 and unreported judgment rendered in Writ Petition No.3146 of 2017 dated 18.07.2022 in M/s. Patel Suppliers ..V/s.. State of Maharashtra and others.

3. Mr Thakare, learned Assistant Government Pleader for respondents submits that he has no objection if the course taken by this Court as set out in the aforementioned judgments is adopted and the Sub-Divisional Officer, Desaiganj Wadsa, District Gadchiroli considers the time spent in the writ petition, whilst condoning delay in filing the appeal.

4. The petitioner seeks leave to withdraw this petition in order to file an appeal before the Appellate Court.

5. Considering these submissions, writ petition is disposed of as withdrawn. Needless to state that the petitioner shall file an appeal before the Sub-Divisional Officer, Desaiganj Wadsa, District Gadchiroli within 30 days from today. The Sub-Divisional Officer, Desaiganj Wadsa, District Gadchiroli shall consider the application for condonation of delay in the light of the observations made above. The respondents shall not oppose the contention of delay of the appeal in the aforesaid circumstances.

JUDGE