

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5438 OF 2018

Mohan Gajananrao Gavankar and another .Vs. State of Maharashtra and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.A. Bhide, Advocate for the petitioners.

Shri D.P. Thakare, A.G.P. for the respondent Nos.1 to 4/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/06/2023

1. Heard.

2. In the present writ petition, the order passed by the Sub-Divisional Officer Mul, dated 25.06.2018 canceling its own order dated 26.03.1993 converting the land in dispute from Class-II to Class-I, is under challenge in this writ petition.

3. At the outset, Shri Thakare, learned AGP raised objection to the maintainability of the present writ petition on the ground that alternate remedy is available to the petitioners.

4. The learned counsel for the petitioners makes a statement that if the time of four weeks is granted and stay granted by this Court on 28.08.2018 is continued, in the

meantime, he will approach to the appellate authority challenging the impugned order.

5. In the circumstances, the writ petition is disposed of with liberty to the petitioners to approach the appropriate authority by filing appropriate proceeding as permissible under the law. If such proceeding is filed within four weeks, the concern authority may consider the period spent by the petitioners in pursuing the present writ petition while considering the point of limitation.

6. The petitioners are further permitted to file an application for stay to the impugned order which shall be considered by the concerned authority on its own merit.

7. Accordingly, the writ petition is **disposed of**. The interim order dated 28.08.2018 shall continue for four weeks and thereafter, the same shall stand vacated automatically.

JUDGE