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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6895 OF 2017**

Virendrasingh Fattasing Shitole and Ors ... Petitioners

vs.

Rajendra@ Anilkumar Jaysingrao Shitole and
Anr ... Respondents

Mr. Sandeep S. Salunkhe, for Petitioners.

Mr. S.M. Gorwadkar, Senior Advocate a/w. Sujay Gangal for
Respondent No.1.

Mr. S.L. Babar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 22nd APRIL 2024

P.C. :-

1. Learned senior counsel appearing for respondent no.1 seeks leave to withdraw RTS Revision Application No. 805 of 2015 filed before the Additional Collector, Pune, with liberty to file an appropriate Revision Application under Section 257 of the Maharashtra Land Revenue Code, 1966 before the State Government for challenging order dated 18th March 2015 passed by the Sub Divisional Officer, Pune in RTS Appeal No. 506 of 2013.

2. Learned Senior Counsel for respondent no.1 submits that the

said prayer is made in view of the legal principle settled by this Court in Judgment and Order dated 28th March 2024 in Writ Petition No. 12965 of 2023, in the case of ***Sadanand Tukaram Suroshe v Ashok Gajanan Suroshe and Ors***¹ .

3. In view of the legal principle settled in the said decision, respondent no.1 is granted leave with liberty as prayed. It is clarified that if an appropriate revision application is filed within four weeks from today, respondent no.1 shall be entitled to seek the benefit of the pendency of the proceedings of RTS Revision Application No. 805 of 2015 and present petition for the purpose of seeking condonation of delay.

4. In view of the aforesaid leave granted to respondent no.1, the impugned order dated 19th September 2016, passed by the Additional Collector, Pune in RTS Revision Application No. 805 of 2015 is quashed and set aside.

5. Since, the impugned order is quashed and set aside, the order dated 18th March 2015 passed by the Sub Divisional Officer, Haveli, Sub Division, Pune allowing delay condonation application filed by the Petitioners stands revived and hence, RTS Appeal No. 506 of 2013 stands restored.

1 Writ Petition No. 12965 of 2023, dated 28th March 2024
Page no. 2 of 3

6. Learned counsel for the petitioners on instructions submits that the petitioners will not insist on hearing of the RTS Appeal No. 506 of 2013 for four weeks from today.

7. It is clarified that I have not examined the rival contentions of the parties on merits. Hence, all contentions of all parties are kept open.

8. Petition is disposed of in above terms.

(GAURI GODSE, J.)