



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11361 OF 2024

Mayur Sharad Balwadkar

... Petitioner.

Versus

Ramesh Maruti Pokale and Ors.

... Respondents.

Mr. Ashok Tajane a/w. Mr. Yogesh Thorat, Mr. Sanket Dhawan and Mr. Balaji Shinde, for the Petitioner.

Mr. Prathamesh Bhargude, for the Respondent No.1.

Mr. J.P. Patil, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 20, 2024

P. C. :

1. Mr. Bhargude learned counsel for the Respondent No.1 raises a preliminary objection in view of the alternate remedy which is available before the Commissioner.

2. Mr. Tajane fairly concedes that in view of the alternate remedy, the Petition may be permitted to be withdrawn with liberty to file before the Commissioner. He however submits that the ad-interim relief was granted by this Court on 19th August, 2024 and the same will be continued. The request is opposed by Mr. Bhargude.

3. The Petition is permitted to be withdrawn with liberty to approach the Commissioner.

4. By order of 19th August, 2024, the Revenue Authorities were restrained from taking mutation entry in respect of the property being Survey No.90/1. For a period of two weeks, the said relief is continued. Thereafter, it is open for the Petitioner to seek the necessary interim reliefs from the Commissioner. The Application, if any, to be decided by the Commissioner on its own merits and in accordance with law and uninfluenced by the fact that there was an ad-interim relief which was granted by this Court. Particularly, when the ad-interim relief was passed at the time of issuance of notice and the Respondents were not heard in the matter.

5. Petition stands disposed of.

[Sharmila U. Deshmukh, J.]