

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12782 OF 2024.

Baburao Rambhau Pagare and Ors.

...Petitioners.

Versus

Sanjay Bhima Dhakane and Ors.

...Respondents.

Mr. Shriram Kulkarni i/b Gurav Ugale for the Petitioners.

Mr. Sandeep D. Shinde (Through V/C) for the Respondent Nos. 1 to 4.

Mr. Hamid Mulla, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : 25th October, 2024.

P. C. :

1. Learned counsel for the petitioner on instructions and in view of the decision rendered by this Court where this Court, has taken a view that if remedy of appeal has already been availed of on behalf of the party, the aspect of violation of principles of natural justice loses its significance.

2. seeks permission to withdraw the petition with liberty to file revision application under Section 257 of the Maharashtra Land Revenue Code before the State Government. He submits that as the period of limitation is 90 days, time spent in prosecuting the present petition be considered while adjudicating the application for

condonation of delay. He further submits that within a period of two weeks revision application will be filed .

3. Learned counsel appearing for Respondent Nos.1 to 4 the contesting Respondents would submit that no precipitative steps will be taken for a period of 2 weeks.

4. Let Revision Application be filed within a period of two weeks. If the Revision Application is filed within a period of two weeks, the Principal Secretary, Revenue is requested to consider the application for stay on its own merits as the order may be put into execution. While considering the application for condonation of delay, the aspect of pendency of the present petition may be taken into consideration.

5. Petition is disposed of with liberty as above. In view of disposal of petition, Interim/Civil Applications, if any, do not survive for consideration and stand disposed of. It is made clear that this Court has not gone into merits of the matter and as such all rights and contentions of both the parties are expressly kept open.

[Sharmila U. Deshmukh, J.]