

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17370 OF 2024

D.P. Jain And Company Infrastructure Through Niesh V. Pachpor

VERSUS

State of Maharashtra Throuh Principal Sec. Revenue And Forest
Dept And Ors.

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Mr. V. A. Shastry for Petitioner.

Mr. Sanjay D. Rayrikar, AGP for the Respondent-State.

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CORAM : SACHIN S. DESHMUKH, J.

DATE : 12th MARCH, 2026.

P. C. :

1. Learned AGP has raised preliminary objection as to the maintainability of the present petition in relation to the challenge to the order, which is impugned in the present petition is also the subject matter of an appeal before the Sub-Divisional Officer.

2. When confronted with the same, the counsel for the Petitioner does not dispute the same. In that view of the aforestated aspect and fact that it is open for Petitioner to prosecute two remedies simultaneously, the present petition is not maintainable and is accordingly dismissed.

3. However, it is made clear that the dismissal of the present petition shall not preclude the petitioner from prosecuting his appeal before the Sub-Divisional Officer. Needless to state that the same may be decided on its own merit.

[SACHIN S. DESHMUKH, J.]