

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6089 OF 2013
WITH CA/2721/2014 IN WP/6089/2013

AJIT HARIBHAU MAHANDULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Niteen V. Gaware
Mrs. A.V. Gondhalekar, AGP for respondent No.1.
Mr. S.S. Deve, Advocate for respondent Nos, 2, 3 and 4.

CORAM : MOHIT S. SHAH, C.J. &
N.W. SAMBRE, J.
DATE : 23RD MARCH, 2015.

PER COURT:

1] The learned counsel for petitioner has moved Civil Application No. 2721 of 2014, for amendment of the memorandum of the Writ Petition No. 6089 of 2013.

2] Learned counsel for respondent Nos. 2 to 4 opposes the amendment and submits that the writ petition itself deserves to be dismissed, as it suffers from delay, laches and acquiescence because in the petition filed in the year 2013, the petitioner seeks to challenge the allotment of land in question by the MIDC as far back as in 2008.

3] Having heard learned counsel for the parties and in view of the above, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to file a fresh petition in which the petitioner shall also

offer explanation for the delay in filing the writ petition.

4] Without expressing any opinion on the question of delay, laches and acquiescence in filing the present petition, we permit petitioner to withdraw the present petition with liberty to file fresh petition. It is made clear that we have not expressed any opinion regarding the above preliminary issue raised by the respondents.

5] Subject to above clarification, writ petition is disposed of as withdrawn with liberty to file fresh petition. Consequently, Civil application for amendment also stands disposed of.

[N.W. SAMBRE, J]

CHIEF JUSTICE

grt/-