

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9672 OF 2012

ADM AGRO INDUSTRIES LATUR & VIZAG PVT.LTD.
VS
THE STATE OF MAHARASHTRA AND ANR.

...

Mr.Hrishikesh A.Joshi, Adv. for petitioner;
Mrs.MA Deshpande, AGP for Resp.Nos. 1 & 3;
Mr.VD Hon, Sr.Counsel for Resp.No.2.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 30th JULY, 2015.

PER COURT :

- 1) Heard. The petitioner seeks leave to withdraw the petition since he has approached the State Government for granting benefits under the Amnesty Scheme. Notification dated 3rd June, 2015, provides terms and conditions for availing benefit of Amnesty Scheme and clause (v) thereof provides that if the dealer or person has filed an appeal, then he shall have to withdraw the appeal unconditionally and submit proof of unconditional withdrawal of appeal.
- 2) The petitioner contends that he has been directed to withdraw the writ petition presented in this court as a precondition for consideration of his

application. It shall be borne in mind by the authorities that presentation of a writ petition invoking extraordinary powers under Articles 226 or 227 of the Constitution of India, cannot be equated with the proceedings of appeal and the condition incorporated in the notification cannot be insisted upon. It is a constitutional right of a citizen to seek redressal of his grievance under Articles 226 and 227 of the Constitution of India and imposition of any condition, restricting right of a citizen, may amount to interference in course of administration of justice by High court and can be dealt with all seriousness. However, since the petitioner has requested for grant of leave to withdraw the petition, we permit the petitioner to withdraw the petition. The writ petition is disposed of as withdrawn with liberty to approach this court as and when occasion arises.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/