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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION No. 27 OF 2011
IN
WRIT PETITION No. 1415 OF 2010

Sayed Bashir Sayed Rasool ... Petitioner
Vs.
The Municipal Commissioner
Of Greater Mumbai & Ors. ... Respondents

Mr. V. G. Indrale, for the Petitioner.
None for the Respondents.

CORAM : V. M. KANADE, &
R. M. SAVANT, JJ.

DATE : AUGUST 4, 2015
(in Chamber at 2.35 P.M.)

PC.

1. Heard the learned counsel appearing on behalf of the Review Petitioner. None appears on behalf of the Respondent-Corporation. Review Petitioner is aggrieved by an order dated 21st December, 2010 passed in Writ Petition No. 1415 of 2010. Learned counsel submits that on account of misinterpretation of the legal position, Review Petitioner has sought leave to withdraw the petition with liberty to adopt alternate remedy, as may be available in law. It is

submitted that subsequently it was realised that alternate remedy is not available in law. Immediately thereafter review petition was filed.

2. It is an admitted position that there is no alternate remedy except to file petition under Article 226 of the Constitution of India. In the interest of justice, therefore, we are of the view that the Petitioner should not be deprived of exhausting the only remedy available in law of filing the writ petition. Order dated 21st December, 2010 passed in Writ Petition No. 1415 of 2010 is therefore recalled and writ petition is restored to the file. Writ petition be placed before the appropriate Bench.

. Review petition is accordingly disposed of in the aforesaid terms.

Sd/-
[R. M. SAVANT, J.]

Sd/-
[V. M. KANADE, J.]

Vinayak Halemath