

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.793 OF 2014

(M/s. SKSM Food International Ltd. vs. City of Nagpur Corporation and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

CORAM : B.P. DHARMADHIKARI AND
 P.N. DESHMUKH, JJ.

DATED : AUGUST 21, 2015

Adv. Dawda holding for Adv. Ghare for petitioner informs that Adv. Ghare is not available. He is, therefore, seeking time.

Adv. Giratkar appearing for respondent nos.1 to 3 submits that similar challenge is looked into by this Court. She states that in the present matter, impugned order dated 5/4/2013 is passed by Additional Deputy Municipal Commissioner and hence, respondents seek leave to withdraw it so that controversy can be considered by the competent Authority in accordance with law.

Adv. Dawda is seeking adjournment. He,

however, states that as controversy is already decided, there is no question of granting any liberty to respondents in the matter.

The respondents are seeking leave to withdraw the impugned order as it is not passed by the competent Authority according to them. The respondents wish to proceed further in the matter in accordance with law.

In this situation, we find that no legal right of present petitioner is violated. However, we keep all contentions available to the petitioner open in this respect. With this protection to the petitioner, we grant the request as made by Adv. Giratkar. Accordingly, impugned order is allowed to be withdrawn with liberty. The writ petition is, therefore, rendered infructuous and it is disposed of as such.

JUDGE

JUDGE

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