

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2085 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Drupad S. Patil i/b Mr.Ravi Thankian for the petitioner

Mr.S.B.Deshmukh for the respondent no.1

CORAM : K. K. TATED, J.

DATE : OCTOBER 10, 2016

P.C.:

1 Heard the learned counsel for the parties.

2 Advocate for the respondent raised preliminary issue about the maintenance of the Writ Petition. He submits that Revision is provided against the impugned order. In support of this contention, he relies on the judgment of the Apex Court in the matter of *Gurudassing Nawoosing Panjwani vs. State of Maharashtra, (2016) 2 SCC 213*.

3 The learned counsel for the petitioner submits that in view of the Apex Court judgment in the matter of *Gurudassing Nawoosing Panjwani vs. State of Maharashtra* (Supra), petitioner may be permitted to withdraw the present petition with

liberty to move before the State of Maharashtra. He submits that in the present proceedings, petitioner challenged the order dated 23.12.2013 passed by Additional Commissioner, Konkan Division, Mumbai in Revision No.473 of 2013. He submits that petition was filed on 6.2.2014. He submits that petitioner seeks 15 days time to move before the State of Maharashtra.

4 Considering the submissions made by the learned counsel for the petitioner, as he seeks permission to withdraw the present Writ Petition with liberty to move before the appropriate authority, following order is passed:

a) Liberty granted to the petitioner to file Revision against the impugned order dated 23.12.2013 passed by Additional Commissioner, Konkan Division, Mumbai within 15 days from today.

b) If Revision Application is filed within stipulated time as stated hereinabove, authority to decide the same on its own merits after giving hearing to both the parties.

c) It is made clear that if Revision Application is not filed within stipulated time as stated hereinabove, liberty is granted to the respondent to contest the same on limitation point also which is kept open.

d) Writ Petition stands disposed of as

withdrawn.

e) No order as to costs.

JUDGE