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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4098 OF 2015

M/s. Praful Industries ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. A.A. Mirza, Advocate for the Petitioners
Mr. V.S. Gokhale AGP for the Respondent No.1
Mr. Rohit Pramod Sakhadeo, Advocate for the Respondent Nos.2 & 3

**CORAM : A.S.OKA, &
C.V. BHADANG, JJ.
DATE : JANUARY 05, 2016**

PC.:

1. The challenge in this writ petition under Article 226 of the Constitution of India is to the notice dated 13th June 2006 issued by the Thane Municipal Corporation. In paragraph 17 of the petition it is disclosed that the same stop work notice, which is impugned in this petition was challenged by the petitioner by filing Writ Petition No.4568 of 2008. Paragraph 17 records that the said writ petition has been withdrawn by the petitioner.
2. The remedy under Article 226 of the Constitution of India is always a discretionary and equitable remedy. After having withdrawn the writ petition filed earlier for challenging the impugned notice, in our view, the petitioner is disentitled to once again invoke the Article 226 of the Constitution of India.
3. The petition is rejected only on that ground. All contentions on merits are kept open.

(C.V. BHADANG,J.)

(A.S.OKA,J.)