

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5175 OF 2014

Siddhanna Hanmant Koli

... Petitioner

v/s

State of Maharashtra and others

... Respondents

Mr C.K. Bhagoji i/b Mr R.K. Mendadkar for Petitioner.

Mr Vikas Mali, AGP for Respondent No.1 - State.

Mr A.S. Kulkarni for Resondent No.2.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : AUGUST 24, 2016.

P.C. :-

1. Heard parties through their counsel.
2. In view of the preliminary objection raised by the learned counsel for Respondent No.2 that against the impugned order, an appeal would lie before the Commissioner, the learned counsel for the Petitioner seeks leave to withdraw the Petition with liberty to approach the Commissioner by filing an appeal. Petition is allowed to be withdrawn.

3. In case such an appeal is filed by the Petitioner, the Petitioner may claim the benefit of section 14 of the Limitation Act for exclusion of the period during which this Petition was pending in this Court. The said application shall be considered by the Commissioner in accordance with law.

4. Petition is dismissed as withdrawn.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)