

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

NOTICE OF MOTION NO. 119 OF 2016
IN
WRIT PETITION NO. 656 OF 2014

Mr. Ravindra Raju and Anr.	}	Applicants
versus		
The Administrative General	}	
and Anr.	}	Respondents

Ms. Usha Purohit for the applicants.

Mr. Abhilash Tripathi with Mr. Rui
Rodrigues i/b. Ms. Yogita R. Singh for
respondent no. 1.

Mr. D. M. Joshi for respondent no. 2.

CORAM :- S. C. DHARMADHIKARI &
G. S. KULKARNI, JJ.

DATED :- APRIL 1, 2016

P.C. :-

1) This writ petition was withdrawn by the petitioners on
2nd December, 2015.

2) The order passed on 2nd December, 2015 was in the
presence of the petitioners' advocate and that of respondent no. 2.
After the writ petition was heard for sometime, the petition was
allowed to be withdrawn and by a detailed order, which reads as
under:-

“After this writ petition was heard for some time, learned counsel for the Petitioners seeks leave to withdraw the petition, but with liberty to approach a Competent Court to seek a declaration that the Petitioners are lawful tenants of the premises, which are subject matter of the order passed by the Administrative General, Maharashtra State.

2. We grant leave to withdraw the petition. It stands disposed of with liberty as prayed. The Competent Court shall decide the issue and the claim for declaration uninfluenced by the order passed either by the Administrative General dated 7 September 2012 or the impugned order in this writ petition. All contentions of the parties are kept open.”

3) We cannot entertain now a request to restore such a petition. This is not a dismissal for want of prosecution or in default for non appearance of the advocate or the petitioner. This is a conscious act of withdrawal of the writ petition after the court was disinclined to exercise writ jurisdiction in favour of the petitioners.

4) The motion is entirely misconceived. It is dismissed.

(G.S.KULKARNI, J.)

(S.C.DHARMADHIKARI, J.)