

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**WRIT PETITION NO. 2638 OF 2016**

Madhav Vishvanath Kubde

-vs-

State of Maharashtra, thr.its Secretary, Urban Development Deptt. and others

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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.Alok Daga, counsel for the petitioner.  
Mrs.K.R.Deshpande, AGP for the respondent No.1.  
Mr. P.P.Deshmukh, counsel for the respondent No.2.

**CORAM : SMT. VASANTI A. NAIK &**  
**V.M.DESHPANDE, JJ.**

**DATE : 04.05.2016.**

By this writ petition, the petitioner seeks a declaration that the age of retirement of the petitioner is 60 years, as the petitioner is in Class-IV services and not Class-III services as held by the Municipal Council. The petitioner has challenged the notice of superannuation, dated 02/04/2016.

Mrs.Deshpande, the learned Assistant Government Pleader for the respondent No.1 and Shri P.P. Deshmukh, the learned counsel for the respondent No.2-Municipal Council, state that the petitioner has an alternate remedy of challenging the impugned order under Section 308 of the Maharashtra (Municipal Councils), (Nagar Panchayats And Industrial Townships) Act, 1965. It is stated that instead of availing the said remedy, the petitioner approached this Court.

In view of the preliminary objection, the learned counsel for the petitioner seeks permission to withdraw the writ petition.

Permission is granted. The writ petition stands disposed of as withdrawn. The points raised in the petition are kept open.

**JUDGE**

**JUDGE**