

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3697/2015

Ashok s/o Ganuji Jibhkate

...Versus...

The Municipal Council, Bhandara, through Chief Officer and others

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri P.A. Jibhkate, Advocate for petitioner
 Shri M.I. Dhatriak, Advocate for respondent nos.1 and 3
 Shri A.M. Joshi, AGP for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 03.02.2016

Challenge in the present writ petition is to the order dated 3.11.2014 issued by the Chief Officer, Municipal Council, Bhandara.

Shri M.I. Dhatriak, learned Counsel for the respondent nos.1 and 3 raises a preliminary objection to the maintainability of the writ petition on the ground that the impugned order has been passed under Section 45 of the Maharashtra Regional and Town Planning Act, 1966 and remedy of appeal under Section 47 of the said Act is available.

In view of this, Shri P.A. Jibhkate, learned Counsel for the petitioner, on instructions, seeks permission to withdraw the writ petition with liberty to avail the alternate remedy.

Accordingly, the writ petition is permitted to be withdrawn with liberty to avail the alternate remedy. The points raised in the petition are kept open. The writ petition is disposed of. No costs.

JUDGE

Wadkar

JUDGE