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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE COURT

WRIT PETITION No. 1352 OF 2017

Suresh Annaji Patil	Petitioner
Vs.	
State of Maharashtra	
through Principal Secretary	
and Ors.	Respondents

Mr. Amay Deshpande for the Petitioner

Mr. N.C. Walimbe, AGP for the State

**CORAM : V.M. KANADE &
P.R. BORA, JJ**

DATE : FEBRUARY 10, 2017

P.C. :

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned counsel appearing on behalf of the Respondents.
2. The learned counsel appearing on behalf of the State has raised a preliminary objection regarding maintainability of the appeal.
3. It is submitted by the learned counsel for the State that the Petitioner has an alternate remedy of filing an appeal before the Appellate Authority against the impugned order.

(WP 1352 of 2017)

4. The learned counsel appearing on behalf of the Petitioner, therefore, submits that the leave may be granted to withdraw the petition with liberty to file an appeal before the Appellate Authority.

5. Hence, writ petition is allowed to be withdrawn with liberty as prayed. No coercive steps shall be taken against the Petitioner for a period of two weeks. It is clarified that this interim protection has been given not on merits but only in order to enable the Petitioner to file an appeal before the Appellate Authority. The Appellate Authority may, therefore, consider the contention of the Petitioner on merits and also consider the question of granting interim relief to the Petitioner on its own merits without being influenced by this order.

[P.R. BORA, J.]

[V.M. KANADE, J.]