

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3525 OF 2017

Shri Laxman Jayappa Hipparkar

]

Petitioner

Vs.

The State of Maharashtra & Ors.

]

Respondents

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Mr. B.A. Lawate, for the petitioner.

Mr. S.D. Rayrikar, A.G.P, for respondents-State.

.....

CORAM : R.G. KETKAR, J.

DATE : 5TH MAY, 2017.

P.C.

Heard Mr. Lawate, learned Counsel for the petitioner
and Mr. Rayrikar, learned A.G.P for the respondents-State.

2. This petition takes exception to the order dated 20th December, 2016 passed by the Sub Divisional Officer [For short 'S.D.O], Sangola. Mr. Rayrikar has tendered reasoned order dated 20th December, 2016 passed by S.D.O which is taken on record and marked as 'X' for identification. He submits that the petitioner has an equally efficacious, alternate, statutory remedy of filing appeal

against the decision of S.D.O. He further submits that the petitioner has also made representation dated 8th September, 2016 before the Collector Solapur. Petitioner may be directed either to pursue his representation or to file an appeal. He cannot simultaneously prosecute representation as also remedy of appeal.

3. In view thereof, Mr. Lawate, on instructions, states that he will not pursue his representation and will withdraw the representation dated 8th September, 2016. He further states that within 4 weeks from today, petitioner will file appeal challenging the order dated 20th December, 2016 passed by S.D.O. He further submitted that the Appellate Authority may be directed to dispose of the appeal in a time bound manner. In view thereof, petition is disposed of in following terms.

[1] Petitioner is permitted to withdraw the representation dated 8th September, 2016 made to Collector, Solapur.

[2] Petitioner is at liberty to file appeal challenging the order dated 20th December, 2016 passed by S.D.O before the Appellate Authority. Such appeal shall be filed within 4 weeks from today.

- [3] The Appellate Authority will decide the appeal within 4 weeks from the date of filing of the appeal.
- [4] It is made clear that I have not examined the merits of the case.
- [5] All contentions of the parties are kept open.
- [6] Order accordingly.

[R.G. KETKAR, J.]