

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

CIVIL APPLICATION W. NO.1882/2017

IN

WRIT PETITION NO.1436/2017

Udaysing Narsing Hajari

...Versus...

Collector, Nagpur – 440 001 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 M.P. Khajanchi, Advocate for petitioner
Shri N.S. Rao, AGP for respondent no.1
Mrs. Radhika Bajaj, Advocate for respondent nos.2 and 3
Shri N.A. Padhye, Advocate for respondent no.4

**CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.**

DATE : 06.09.2017

Heard for some time.

2. Civil application is taken out by the petitioner simply for grant of leave to raise additional grounds and claiming additional reliefs.

3. According to learned Counsel for respondent no.4, grounds available at the time of filing of petition must be presumed to be given up and hence, could not be allowed to be raised. He further submits that in the writ petition, seeking mandamus, now a *quo warranto* is being added. He claims that it changes the nature of writ petition and therefore, such amendment cannot be allowed. He points out that reply has been drafted and will be filed during the course of the day.

4. Learned Assistant Government Pleader for respondent no.1 and learned Counsel for respondent nos.2 and 3 are also supporting learned Counsel for respondent no.4.

5. Writ petition is not admitted. Its maintainability is questioned on the ground of availability of alternate remedy.

6. Hence, in this situation, keeping all contentions of respondents open, we allow the civil application. Necessary amendment be carried out within one week.

7. Additional reply, if any, be filed within further period of one week.

List the matter on 20/09/2017.

JUDGE

JUDGE

Wadkar