

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12266 OF 2018

Appaso @ Kumar Kallappa Kumasage	...	Petitioner
Vs.		
The Collector, Sangli and others	...	Respondents

Mr. Priyal G. Sarda for Petitioner.
Mr. Y. D. Patil, AGP for Respondents.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 13, 2018

P.C. :

Heard Mr. Sarda, learned Counsel for the petitioner and Mr. Patil, learned AGP for the respondents at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 25.07.2018 passed by the Collector, Sangli. By that order, Collector, Sangli in exercise of powers under Section 56(1)(b) of the Maharashtra Prohibition Act (for short 'Act') has permanently cancelled FLBR-II licence No.35 issued in favour of the petitioner.

3. Mr. Patil raised preliminary objection about the maintainability of the Petition on the ground that the impugned order is appealable under Section 137 of the Act.

4. In view thereof, on instructions, Mr. Sarda seeks permission to withdraw this Petition with liberty to adopt appropriate proceedings within two weeks from today, excepting the Petition. He further submits that Petition is instituted on 19.10.2018 in this Court. He, therefore, submitted that as the petitioner was prosecuting this Petition *bonafide* in this Court, the time spent by the petitioner from 19.10.2018 till date may

be excluded while considering the issue of limitation.

5. In view thereof, on the motion made by Mr. Sarda, Petition is allowed to be withdrawn with liberty as prayed for, except filing of the Petition. If appropriate proceedings are filed within two weeks from today, the time spent by the petitioner in prosecuting this Petition *bonafide* in this Court from 19.10.2018 till date shall be excluded while considering the issue of limitation. It is made clear that I have not examined merits of the case. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab