

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3872 OF 2018

Larsen & Toubro Limited	.. Petitioner
V/s.	
Nashik Municipal Corporation & Anr.	.. Respondents

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Mr.Bomi Patel a/w. Nelly Mehta i/b. NMA Legal, Advocate for the
Petitioner.

Mr.M.L. Patil, for Respondents.

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**CORAM : S.C. DHARMADHIKARI AND
PRAKASH D. NAIK, JJ.**

DATED : APRIL 6, 2018.

P.C. :

When this petition was called out and the attention of this Court was invited by Mr.Patil, appearing for the respondents, to Section 406 of the Maharashtra Municipal Corporations Act, 1949, we inquired from Mr.Patel as to why petitioner cannot approach the Appellate Authority. The remedy of Appeal provided by this Section is alternate and equally efficacious. Merely because a condition is imposed for entertaining the Appeal, which condition is also upheld in several pronouncements of the Hon'ble Supreme Court and declared as legal and valid, the

remedy does not become illusory. In other words, in the teeth of such remedy, this Court is not obliged to entertain this petition.

2 Once this position was brought to the notice of the counsel, on instructions, he seeks leave to withdraw the petition. Leave is granted. Writ Petition is disposed of as withdrawn with liberty to file an Appeal before the Appellate Authority.

(PRAKASH D. NAIK, J.) (S.C. DHARMADHIKARI, J.)