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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.365 OF 2017

IN

WRIT PETITION NO.635 OF 2017

Mangesh Bhaskar Gaikwad And 2 Ors. ...Applicants

In the matter between

Mangesh Bhaskar Gaikwad And 2 Ors. ...Petitioners

vs

The State of Maharashtra And 4 Ors. ...Respondents

.....

Mr. Prashant A. Nakati, i/b. Yogesh D. Bandal, for the Petitioners.

Ms. Uma Palsuledesai, AGP, for Respondent Nos. 1 and 2.

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CORAM : S.C. GUPTE, J.

DATED : MARCH 8, 2018

P.C. :

. The present notice of motion is taken out for recall of an order of dismissal passed for default. Learned Counsel for the Applicants/Petitioners submits that since the Petitioners have already availed of an alternative remedy under Section 35 of the Maharashtra Slum Areas (I.C. & R) Act, 1971 before the Grievance Redressal Committee, which deals with the subject matter of the present petition, after restoration of the petition, he may be granted leave to withdraw it. The notice of motion is, accordingly, allowed. The order of dismissal

dated 3 April 2017 is recalled and set aside and the petition is restored to file. The petition is then disposed of as not pressed, in view of the alternative remedy adopted by the Petitioners, as noted above. No order as to costs.

(S.C. GUPTE, J.)