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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2110 OF 2019

Shri Pandurang s/o Wamanrao Shinde ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr Vishnu L. Dhoble, Advocate for petitioner;
Mrs M.A. Deshpande, A.G.P. for respondent/State

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 1st MARCH, 2019

ORAL ORDER :

At the outset, Mr. Dhoble, learned Counsel appearing for the petitioner prays for amendment by addition of 'The Divisional Commissioner, Aurangabad' as party respondent No.3 to the petition.

2. Oral prayer is allowed. Amendment be carried out forthwith.

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3. Heard Mr. Dhoble, learned Counsel for the petitioner.

4. Mr. Dhoble, learned Counsel fairly submitted before us that though the petition is filed seeking challenge to the order dated 18th April, 2012, in view of alternate and efficacious remedy available to the petitioner, the petitioner be permitted to withdraw the petition with liberty to avail alternate remedy in the form of appeal to the Divisional Commissioner, Aurangabad.

5. Mr. Dhoble, learned Counsel submitted that as the petitioner was under erroneous impression that there is no remedy available to him, the exercise of filing of the appeal would certainly be a delayed exercise and the petitioner would file application seeking condonation of delay before the authority. If such application is filed, in view of submission of learned Counsel, the appellate authority is directed to consider the application

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seeking condonation of delay, on the backdrop that the petitioner had approached this Court under erroneous assumptions and presumptions.

6. Accepting the above referred statement of Mr. Dhoble, learned Counsel for the petitioner, the petition is disposed of, as withdrawn, with liberty as prayed for.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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