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

WRIT PETITION NO.22 OF 2019

Ramrao s/o Tukaram Patil,
Age: 56 years, Occu: Business
& ors.

..PETITIONERS

VERSUS

The State of Maharashtra,
Through Principal Secretary,
Cooperation Department, Mantralaya,
Mumbai-32 & ors.

..RESPONDENTS

Mr R. N. Dhorde, Senior Advocate I/b Mr V. R.
Dhorde, Advocate for petitioners;
Mr K. N. Lokhande, A.G.P. for respondents/State

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

DATE : 8th JANUARY, 2019

ORAL ORDER :

Heard Mr Dhorde, learned Senior Counsel
appearing for the petitioners for some time.

2. The petitioners are challenging the notice
issued by respondent No.3 dated 5th October, 2018.
The submission of learned Senior Counsel is,
respondent No.3 erroneously issued notice and

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failed to appreciate certain factual aspects of the matter. He then invited our attention to the private complaint lodged at the instance of petitioner No.1 in the Court of Judicial Magistrate First Class, Bhusawal. On perusal of the notice, it reveals that respondent No.3 called upon these petitioners for hearing either personally or by submitting written say before the authority on 25th October, 2018 at 12.30 p.m.

3. These being the position, we were not inclined to entertain the petition, learned Senior Counsel for then prays for withdrawal of the petition and submitted that as the petitioners were under erroneous impression, they have approached this Court and if respondent No.3 grants further opportunity of hearing, the petitioners shall avail that opportunity of hearing and respondent No.3 be directed to decide the matter by giving opportunity of hearing to the petitioners.

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4. Considering this fact situation, we allow the petitioners to withdraw the petition with directions to respondent No.3 to grant fresh opportunity of hearing to the petitioners as it was already done by respondent No.3 through notice dated 5th October, 2018. Needless to state that respondent No.3 then to pass appropriate orders and further needless to state that, if petitioners are aggrieved by such orders passed by respondent No.3, they may avail appropriate remedies to challenge the order passed by respondent No.3 before competent and appropriate forum, if so advised.

With these directions, the petition is allowed to be withdrawn and disposed of accordingly.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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