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

PUBLIC INTEREST LITIGATION (St.) NO. 19206 OF 2018

Sanjay Brijkishorlal Nirupam.

... Petitioner.

V/s.

The State of Maharashtra through
Principal Secretary and Ors.

... Respondents.

Mr. A.M. Saraogi a/w. Sushil Upadhyay for the Petitioner.

Mr. M.M. Pabale, AGP for Respondent 1.

Mr. Ashish Rao a/w. Shardul Singh I/b. Subhash Lolage for
Respondent 2.

Mr. Parag Vyas for Respondent 3 – UOI.

Mr. Rakesh Kumar a/w. Ms. Diksha Tripathi I/b. M/s. Legal Vision
for Respondent 4.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 4 JANUARY, 2019.

P.C. :-

The Petitioner had earlier filed the Public Interest Litigation No. 54 of 2017 which was disposed of by order dated 13 April 2018.

2. Perused the order dated 13 April 2018, which reads as under :-

“1. Mr. Saraogi having taken instructions from his client seeks leave to withdraw the petition with liberty to file appropriate proceedings before appropriate court. Leave with liberty as prayed for is granted. The Petition is dismissed as withdrawn.

2. It is made clear that we have not gone into the merits of the matter. All points and contentions of the parties are kept open. This order should not be construed as an expression of any opinion.”

The Petitioner has thereafter filed the present Public Interest Litigation.

3. The learned Counsel appearing for the Respondents raise a preliminary objection that the jurisdiction lies with the Bench of this Court at Nagpur in respect of this Petition.

4. The learned Counsel for the Petitioner thereupon seeks leave to withdraw the Petition to prefer an appropriate proceedings before the Nagpur Bench of this Court.

5. Leave as prayed for is granted. The Petition is dismissed as withdrawn. All contentions are kept open.

(N.M. JAMDAR, J.)

(CHIEF JUSTICE)