

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

WRIT PETITION NO. 3197 OF 2018

Rajendra Pundlikrao Godshalwar .. Petitioner

Versus

M.C.G.M. & Ors. .. Respondents

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- Dr. V. V. Tulzapurkar, Sr. Advocate a/w Mr. Sanjay Kadam i/by M/s. Kadam & Co for the Petitioner
 - Mr. Rajesh Patil for M.C.G.M. - Respondent No. 1
 - Ms. Geeta Shastri, AGP for Respondent No. 5
 - Mr. Bari K.D., Asst. Eng. Building Proposal, K Ward present.
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**CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.**

DATE : JUNE 12, 2019.

P.C.:

1. In response to the notice issued, learned Advocate Mr. Rajesh Patil appears for M.C.G.M. and raised preliminary contention of availability of alternative remedy of appeal before the State Government. It appears that by now, such appeal may have an issue of limitation. Learned counsel for the Corporation, however, stated on instructions that no such ground of limitation will be raised before the Authority. Even otherwise, when the respondents raise a ground of availability of alternative remedy, such remedy cannot be

taken away by indirect means by resorting to the issue of limitation. Further, in view of the fact that the petitioner was under bonafide belief pursuing the remedy before this Court, we provide that if such an appeal is filed latest by 20.6.2019 before the appropriate Authority, the same shall be entertained on merits and decided expeditiously in accordance with law without reference of issue of limitation.

2. All contentions of the parties are kept open.

3. Petition is disposed of accordingly.

[S.J. KATHAWALLA, J.]

[AKIL KURESHI, J]