

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 7224/2018

Avinash K. Chaurasia .vs. District Collector, Nagpur & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms S. K. Paunekar, Advocate appointed for appellant with
appellant in person.

Mr. M. M. Maldhure, A.G.P. for respondent nos. 1 to 3.

Mr. S. P. Bhandarkar, Advocate for respondent no.5.

Mr. Shyam Dewani, Advocate for respondent no.6.

CORAM : SUNIL B. SHUKRE &

PUSHPA V. GANEDIWALA, JJ.

DATED : March 14, 2019

1. The petitioner, who appears in person, has filed a pursis Stamp No.3785/2019, making prayer for grant of leave to withdraw the petition with liberty to approach the National Green Tribunal for redressal of his grievance.

2. Mr. Dewani, learned counsel for respondent no.6, points out that liberty cannot be granted and also submits that the allegations made in this pursis, particularly, those appearing in paragraph 5 onwards, need to be dealt with properly by taking some coercive action against the petitioner.

3. The learned appointed counsel for the petitioner, submits that the allegations made may not be really relevant for deciding the request made in the pursis and, therefore, no adjudication as regards these allegations is required to be

made. Learned A.G.P. for respondent nos. 1 to 3 also reiterates the same argument.

4. As rightly submitted by learned A.G.P. and the learned appointed counsel for the petitioner, the allegations made in this application are irrelevant for the purpose for which this pursis has been filed and, therefore, it is not necessary for this Court to consider them and make any adjudication as regards all those allegations. Proper it to ignore them as, after all, the petitioner is a party-in-person and has not received any basic grounding in law. These allegations, without expressing any view, are ignored.

5. As regards question of grant of liberty to approach National Green Tribunal or any other tribunal, we must say that whatever is available as of right under the law, need not be said to be available by any Court in so many words. So, it is not necessary for this Court to grant liberty in express words to the petitioner. There is another aspect involved in the matter. If any such liberty is granted expressly, it is capable of being interpreted in several ways and it may happen that it is interpreted in a way as if the questions of laches, delay, locus, etc. are already answered in favour of the present petitioner seeking such a liberty. In order to avoid this possibility, we find substance in the arguments of the learned counsel for respondent no.8, made in this regard and accordingly, we hold that although, leave to withdraw the petition can be granted, it would be only a leave to do so simpliciter.

6. At this stage, the petitioner-in-person submits that he would not press his prayer for grant of liberty along with leave.

7. This being the factual position, now, we do not find any impediment in granting leave simpliciter, regarding withdrawal of the petition.

8. Accordingly, simpliciter leave to withdraw the petition is granted. The writ petition is disposed of accordingly. No order as to costs.

JUDGE

JUDGE

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