

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 WRIT PETITION NO.10138 OF 2015

WAMAN KRISHNAJI DOLNAR
VERSUS
THE ADDITIONAL COMMISSIONER AND OTHERS

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Advocate for Petitioner : Mr. Patil Hanmant V.
AGP for Respondent No.1: Mr. K.B. Jadhavar
Adv. for Respondent Nos. 2 and 3 : Mr. Rupesh Bora h/f Mr. P.R. Patil
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CORAM : V. K. JADHAV, J.
DATED : 8th JANUARY, 2020

PER COURT:-

1. Learned A.G.P. has raised preliminary objection that in view of the ratio laid down by this court in the case of ***Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, reported in 2015 (6) Mh.L.J. 915***, the alternate efficacious remedy is available to the petitioner. Learned A.G.P. submits that second revision is maintainable before the State Government.

2. Learned counsel for the petitioner has also not disputed this position. However, he submits that this petition is pending since 2015 and the petitioner is protected since then by interim order and the said interim order may be continued for a period of four week so as to enable the petitioner to avail the alternate efficacious remedy.

3. The other side has no objection if the interim order which is operating since 2015 is continued for a period of four weeks.

4. In view of above, writ petition is disposed of with liberty to the petitioner to avail alternate efficacious remedy so available in law, particularly in terms of the ratio laid down by this Court in the the case of ***Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, (supra)***, relied upon by learned A.G.P. for the respondent No.1.

5. Interim relief granted on 14.10.2015 and which is continued thereafter from time to time, shall remain continue for a period of four weeks from today. If the petitioner avails the alternate efficacious remedy within the said period of four weeks, the authority before whom the said alternate remedy is availed by the petitioner, shall also consider the time spent in pursuing the writ petition before this Court, while considering the issue of limitation, if so arises.

6. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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