

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6690 OF 2017

PURUSHOTTAM RATANLAL TAPADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for the petitioners: Mr. V.P. Latange
AGP for respondent Nos. 1 to 4: Mr. K.B. Jadhavar
Advocate for respondent Nos. 5 and 6: Mrs. M.A. Kulkarni
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CORAM : V. K. JADHAV, J.
DATED : 12th MARCH, 2020

PER COURT:-

1. I have heard learned counsel for the petitioners for some time. Learned A.G.P. however, raised preliminary objection that the petitioners have alternate efficacious remedy of filing an application under Section 18(4) of the Maharashtra Money Lending Regulation Act, 2014. Learned counsel appearing for respondent Nos. 5 and 6 also raised the same preliminary objection.

2. Learned counsel appearing for the petitioners has not disputed this legal position. Learned counsel however, submits that by order dated 23.5.2017 this Court has granted interim relief in terms of prayer clause "D" and execution of the impugned order has been stayed. Learned counsel submits that the said order may be continued till the petitioners avail the alternate remedy. Other side has no objection if the interim relief is continued for few weeks.

3. In view of above, learned counsel for the petitioners seeks leave to withdraw this writ petition with liberty to avail the alternate efficacious remedy as aforesaid. The writ petition is disposed of as withdrawn with liberty to the petitioners to avail alternate efficacious remedy as available in law and if the alternate remedy is availed within three weeks from today, the stay granted by this Court on 23.05.2017 shall remain continued till the alternate remedy is availed before the competent forum and upon availing the said remedy, the said authority before whom the alternate remedy is availed, may consider the time spent in pursuing this writ petition for condonation of delay, if any arises, in availing the alternate remedy.

4. Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

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