

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 WRIT PETITION NO.14959 OF 2017

BALASAHEB KISAN MUTHE AND ANOTHER
VERSUS
THE DEPUTY COMMISSIONER NASHIK AND OTHERS

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Advocate for Petitioners : Mr. Tambe Rahul A.
AGP for Respondents-State : Mr. A.M.Phule.
Advocate for Respondent Nos.5 & 6 : Mr. Karpe Rahul R.

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CORAM : V. K. JADHAV, J.
DATE : 26.02.2020

PER COURT :-

1. The learned AGP has raised the preliminary objection to the effect that in terms of the ratio laid down by the Supreme Court in a case of *Gurudassing Nawoosing Panjwani Vs. State of Maharashtra and others* ; [2015(6) Mh.L.J., 915], the alternate efficacious remedy is available to the petitioners. The learned counsel for the petitioners has not disputed this position, however, he submits that this court has protected the petitioners by interim order dated 20.12.2017 and the same may be continued till the petitioners availed the alternate remedy. The learned counsel for the respondent Nos.5 and 6 has also not disputed this legal position.

2. In view of the alternate efficacious remedy available to the petitioners, the petitioners are at liberty to avail the alternate remedy on or before 31.03.2020 and the interim relief granted by this Court on 20.12.2017 would remain continued till 31.03.2020. The petitioners if avail the alternate remedy within the said period i.e. till 31.03.2020, then the authority before whom the alternate remedy is availed shall also consider the time spent in pursuing this Writ Petition for condonation of delay, if any.

3. Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-