

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

1004 WRIT PETITION NO.6979 OF 2021

WALMIK SAJANRAO NIKALJE  
VERSUS  
THE UNION OF INDIA AND OTHERS

...

Advocate for Petitioner : Mr.A.T. Jadhavar  
AGP for Respondent/State: Mr.S.B. Pulkundwar  
Advocate for respondent nos.1, 2 and 3 :  
Mr.A.D. Dhongade

...

CORAM : S.V. GANGAPURWALA  
AND  
R.N. LADDHA, JJ.

DATE : 16<sup>th</sup> NOVEMBER, 2021

PER COURT :-

We have heard the learned counsel for the petitioner and learned Advocate for the respondents.

2. Respondent no.3 has filed the affidavit in reply. Para no.7 of the said affidavit-in-reply reads thus :-

"The deponent says and submits that, therefore the deponent respectfully seeks permission from this Hon'ble Court to allow the deponent to withdraw the impugned notice dated 02.06.2021 with liberty to issue fresh notice in prescribed format under Rule 11 Schedule-III of the Highways

Administration Rules, 2004 by keeping all the contentions open."

3. Respondent no.3 is ready to withdraw the impugned notice and submits that the fresh notice may be permitted to be issued in prescribed format under Rule 11 of Schedule-III of the Highways Administration Rules, 2004.

4. As the impugned notice is withdrawn, we are not required to adjudicate the dispute amongst the parties. The impugned notice stands withdrawn.

5. Respondent No.3 may issue fresh notice, as may be permissible under law and Rules framed thereunder. In that event the petitioner will have opportunity to contest the said notice in accordance with law.

6. Writ Petition is disposed of. No costs.

(R.N. LADDHA, J.)

(S.V. GANGAPURWALA, J.)