

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8378 OF 2020

MAROTI SHANKAR PRADHAN
VERSUS
THE STATE OF MAHRASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S. B. Solanke h/f.
Solanke And Solanke Associates
AGP for Respondents No.1 to 5 - State : Mr. A. A. Jagatkar
Advocate for Respondent No. 7 : Mr. Sachin S. Deshmukh

...
CORAM : NITIN B. SURYAWANSHI, J.
DATE : 24-11-2021

PER COURT :-

Mr. Deshmukh, learned Advocate for respondent No.7 raised preliminary objection as to the maintainability of the present petition. He pointed out that Section 52B of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, (in short, "APMC Act") provides a remedy of appeal, which should have been availed by the petitioner instead of filing the present petition.

2. Learned Advocate for the petitioner, therefore, seeks leave to withdraw the present petition with liberty to avail the remedy as provided under Section 52B of the APMC Act.

3. Leave granted. Writ petition is allowed to be withdrawn with liberty as prayed for.

4. The appellate authority shall consider the period spent by the petitioner for prosecuting this petition while considering delay condonation application.

(NITIN B. SURYAWANSHI)
JUDGE