

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 WRIT PETITION NO.11296 OF 2021

**JIGNESH HIMMATLAL NAGARIYA AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Advocate for Petitioners : Mr. Pramod Gaikwad h/f Mr. Talhar Ajay G.
AGP for Respondents : Mr. K.N. Lokhande
...

**CORAM : A.S. GADKARI &
S.G. MEHARE, J.J.**

DATED : 03rd JANUARY, 2022

PER COURT:-

1. Petitioners have invoked jurisdiction of this Court under Article 226 of the Constitution of India without availing substantive alternate remedy available at their disposal i.e. filing of a civil suit for injunction or for other reliefs as may be permissible under the law.
2. In view thereof, learned advocate for the petitioners seeks leave to withdraw present petition with liberty to adopt appropriate substantive alternate remedy available at their disposal.
3. Leave and liberty granted.
4. Petition is disposed off as withdrawn with the aforesaid liberty.
5. It is made clear that, the observations made by this Court in order dated 08.10.2021 are *prima facie* in nature and were made on the basis of submissions made by learned advocate for the petitioners. The learned Judge of the Civil Court shall not get influenced by the

same at the time of deciding the proceedings to be filed by the petitioners.

(S.G. MEHARE. J.)

(A.S. GADKARI, J.)

Mujaheed//