

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 970 OF 2022**

Ravindra Vitthal Khomane

.....Petitioner

Vs.

District Collector Pune & Ors.

.....Respondents

Mr. A.V. Anturkar, Senior Advocate i/by Mr. Yatin Malvankar for the Petitioner.

Smt. M.S. Bane, AGP for the Respondent-State.

Mr. Sujay S. Palshikar i/by Mr. S.S. Patwardhan for the Respondent Nos. 2 to 4.

CORAM : A. S. GADKARI, J.

DATE : 13th APRIL, 2022.

P.C.:-

Smt. Bane, learned AGP on instructions in writing from the Collector of Pune raised a preliminary objection that, instead of preferring an Appeal against the impugned Order before the Regional Director, Municipal Administration and Divisional Commissioner, Pune, the Petitioner has directly approached this Court under Article 227 of the Constitution of India. She submitted that, in view of clause 4 of the Operative part of the impugned Order dated 3rd December, 2021, the Petitioner, being an aggrieved person, ought to have approached the said Authority by way of an Appeal.

2 In view thereof, Mr. Anturkar, learned senior counsel for the Petitioner seeks leave to withdraw the present Petition with liberty to prefer an appeal before the Regional Director, Municipal Administration and Divisional Commissioner, Pune.

Leave and liberty granted.

Writ Petition is disposed off, as withdrawn.

3 It is to be noted here that, the present Petition is disposed off on the basis of preliminary objection raised by the learned AGP and the parties to the Appeal which the Petitioner may file before the concerned Authority, will not raise any objection about the maintainability of the said Appeal.

Mr. Anturkar, on instructions submitted that, the Petitioner will file such an Appeal within a period of two weeks from today.

4 It is needless to mention that, the Petitioner will get benefit under Section 14 of the Limitation Act, in prosecuting the remedy before this Court.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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