

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6785 OF 2022
WITH
INTERIM APPLICATION NO.3585 OF 2022
IN
WRIT PETITION NO.6785 OF 2022

M/s. Sarita Distributors .. Applicant.
v/s.
The Malegaon Municipal Corporation
& Others .. Respondents.

Mr. Manish N. Jain with Ms. Rita G. Ghalot i/b. S. M. Jain Associates, for
the Applicant/ Petitioner.

Mr. S. S. Patwardhan, for Respondent Nos. 1 & 2- Corporation.

Mr. A. A. Alaspurkar, AGP for Respondent No.3-State.

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JOSHI
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**CORAM: SUNIL B. SHUKRE &
M. W. CHANDWANI, JJ.**
DATE : 24th JANUARY, 2023.

PC:-

After hearing the matter for some time, the learned Counsel for the Applicant/Petitioner seeks leave of the Court to withdraw the Petition with liberty to take recourse to the alternate remedy of filing an appeal, challenging the legality and correctness of the impugned resolution of the Corporation under Section 451 of the Maharashtra Municipal Corporation Act, 1949. Keeping all the contentions open, leave to withdraw the Petition with liberty as prayed for, is granted.

2 Writ Petition is disposed of as withdrawn.

3 Interim Application is also disposed of in terms of final order in the Writ Petition.

4 If the Appeal is filed within two weeks, the same shall be heard and decided in accordance with law as expeditiously as possible by the State, preferably within a period of twelve weeks from the date of filing of the Appeal by the State Government.

(M. W. CHANDWANI ,J.)

(SUNIL B. SHUKRE,J.)