

Dusane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.15356 2023

Shilpa Pravin Jadhav

...Petitioners

V/s.

State of Maharashtra, through
Principal Secretary of Co-op. Dept.

...Respondents

Mr. Vaibhav V. Ugle a/w Mr. Santosh Shukla, Vikas
Somwanshi, Roshan Chavan and Shubham Vasekar
for Petitioners.

Mr. S.D. Rayrikar, AGP for State.

CORAM: MADHAV J. JAMDAR, J.

DATE: 8th December 2023

P.C.:

1. By the present Writ Petition filed under Articles 226 and 227 of the Constitution of India, the Petitioners are challenging legality and validity of order dated 19th July 2023 passed by learned District Consumer Forum, Thane.

2. At the outset, learned AGP states that there is an alternate remedy of statutory appeal under Section 41 of the Consumer Protection Act, 2019. In view of said statement, Mr. Vaibhav Ugle, learned Counsel appearing for the Petitioners seeks

withdrawal of the Writ Petition. He only states that the Petitioners are not party to the said consumer complaint and on the basis of said impugned order, the Society – Vijay Nagari CHS Limited has issued letter stating that the steps will be taken to evict the Petitioners.

3. In view of above, the Petitioners are allowed to withdraw the Petition for availing appropriate alternate remedy.

4. For the purpose of giving opportunity to the Petition to adopt alternate remedy, the impugned order dated 19th July 2023 of the learned District Consumer Forum shall not be implemented till 31st January 2024.

5. The Writ Petition is disposed of in above terms with no order as to costs.

6. It is clarified that this Court has not considered the merits and all contentions of the parties on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)