

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 583 OF 2019

Prakash Ramesh Kumbharkar ... Petitioner.

V/s.

The State of Maharashtra  
Through the Chief Secretary,  
Revenue & Forest Department and Ors. ... Respondents.

.....

Mr. Nitin Deshpande for the Petitioner.  
Mr. N. K. Rajpurohit, AGP for Respondent Nos. 1 to 3-State.

.....

CORAM : NITIN JAMDAR, AND  
MANJUSHA DESHPANDE, JJ.

DATE : 6 November 2023.

P.C. :

On 10 October 2023, the following order was passed:

*“ The learned counsel for the Petitioner states that the Petitioner has directly filed this petition without approaching the Maharashtra Administrative Tribunal, Mumbai, since based on the decision rendered by the Full Bench of the Tribunal wherein, certain order came to be passed against the Petitioner and since the Full Bench has already taken a view, it would be futile to approach the Tribunal.*

*2 Prima facie, the reason not to approach the Administrative Tribunal cannot be a valid reason to deviate the established legal position of appearing Administrative Tribunal, being the court of the first instance. Further the today order by which the Petitioner is stated to be aggrieved is also not annexed to this petition. The learned counsel for the Petitioner states that the order will be placed on record on the next date. Thereupon further course of action would be decided.*

*3 Stand over to **6 November 2023.***”

2 The only reason given to file this Writ Petition to challenge is what we have stated in order dated 10 October 2023 and the Petitioner directly seeks to challenge the order passed in Original Application No.354 of 2015, without there being any order passed by the Maharashtra Administrative Tribunal, Mumbai. Keeping it open to the Petitioner to approach the Maharashtra Administrative Tribunal if the Petitioner indents to do so, the Writ Petition is disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)