



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

WRIT PETITION NO. 3859 OF 2019

Pradeep Baburao Dede

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. S. Panpatte, Advocate for the Petitioner.

Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.

Mr. Pramod B. Gapat, Advocate for Respondent Nos. 3 and 4.

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATE : 29th FEBRUARY, 2024.

PER COURT :-

. When the matter was on board yesterday the submissions on behalf of the petitioner were heard and thereafter, it was pointed out by learned A.G.P. that the present petitioner along with other petitioners has already approached this Court by filing Writ Petition No. 7826/2017 and by making amendment he has challenged the impugned order which he wants to challenge in the present writ petition i.e. order dated 27.07.2017. Thereafter, learned advocate for the petitioner sought time till today to take instructions. Today, the petitioner is also present before the Court. He has given letter to the learned advocate for the petitioner dated 29.02.2024 and also has filed

affidavit for apology. The said letter is taken on record by marking Exh. "A", so also the affidavit has been taken on record.

2. When the petitioner had already approached this Court and has also carried out the amendment seeking the same relief he ought to have refrained himself from filing the present petition which was filed on 13.03.2019. The petitioner has tried to give his own reason. However, we are not convinced, but in view of the fact that the petitioner is now tendering apology for filing the subsequent writ petition and he want to continue his earlier petition thereby allowing him to withdraw the present writ petition, it deserves to be allowed because there cannot be two writ petitions for the same relief. However, while allowing him to withdraw, it is to be noted that, though the petition was filed on 13.03.2019 it appears that, it was got for circulation only on 05.03.2021 and then on 01.02.2023 and now when it is pointed out about the earlier writ petition the prayer for withdrawal has been made.

3. We accept the apology of the petitioner and allow him to withdraw the present writ petition. However, we impose cost of Rs. 10,000/- (Rs. Ten Thousand only) to be deposited within a period of fifteen days from today.

4. Accordingly, the writ petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

PS.B.