

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4323 OF 2024**

Milind Rajaram Dhamale & Anr.

.....Petitioners.

Vs.

The State of Maharashtra & Ors.

.....Respondents

Mr. S. R. Ronghe for the Petitioners.

Ms. S.S.Bhende, AGP for the Respondent No.1-State.

Mr. Kedar B. Dighe for the Respondent Nos.2 to 7-PCMC.

Mr. Abhijit Kulkarni a/w. Gaurav Shahane and Mr. Shreyas Zarkar for the Respondent No.8.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.**

DATE : 5th MARCH, 2025.

PC.:-

1) At the outset, Mr. Dighe, learned Advocate appearing for the Respondent Nos.2 to 7 raised a preliminary objection and submitted that, against the impugned Order dated 18th January, 2024, a substantive Appeal under Section 47 of the MRTP Act is provided and without availing the said alternate remedy, the Petitioners have directly approached this Court by invoking jurisdiction under Article 226 of the Constitution of India.

2) In view thereof, we relegate the Petitioners to avail substantive

alternate statutory remedy before the State Government by way of filing an Appeal under Section 47 of the MRTP Act.

3) Petition is accordingly disposed off.

4) It is made clear that, present Petition is disposed off on the basis of preliminary objection raised by the learned Advocate for the Corporation and we have not adjudicated the issues involved in the Petition.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
SHARNAPPA
MASHALKAR
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