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907-WP-12344-2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 12344 OF 2016

Suhas Marotrao Manathkar And Another

VERSUS

The State Of Maharashtra And Another

WITH

CIVIL APPLICATION NO. 3199 OF 2026

IN WP/12344/2016

WITH

CIVIL APPLICATION NO. 16279 OF 2016

IN WP/12344/2016

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Mr. N. P. Patil Jamalpurkar, (through VC) Advocate for the Petitioners.

Mr. K. N. Lokhande, AGP for Respondent-State.

CORAM : KISHORE C. SANT &

SUSHIL M. GHODESWAR, JJ.

DATE : 2nd APRIL 2026.

PC :-

1. Heard the parties.
2. The learned Advocate for the petitioners, at the outset, seeks leave to withdraw the writ petition, stating that the purpose of filing the writ petition No. 2342/2026 is already served. Though it was not within the knowledge of the learned Advocate for the petitioner, who filed the

present writ petition, however, on going through the order dated 11.03.2026, he came to know the fact of filing of the subsequent writ petition for the same prayers. He thus seeks leave to withdraw the present writ petition.

3. The learned Advocate for the Respondent/intervenor vehemently opposed the prayer. He submits that the petitioner was well aware of filing of present writ petition in 2016. The petitioner still by suppressing this fact filed another Writ Petition No.2342/2026 and obtained the order dated 11.03.2026 passed by this Court. Since the said order was passed without issuing notice to the present respondent, the same could not be pointed out to the Court which passed the order dated 11.03.2026. He thus submits that he has no objection to the withdrawal of the petition; however, he submits that looking to the conduct of the petitioner, there should be heavy costs imposed upon the petitioner.

4. Learned Advocate Mr. Jamalpurkar, submits that, in fact, this petition is not filed by suppressing the facts. It is the subsequent petition filed in 2026 that was filed by suppressing the fact of filing of the

present writ petition, and it would have been proper to impose costs in the subsequent petition.

5. This Court find that the conduct of the parties can always be considered by this Court while approaching this Court. In the present case we clearly find that the petitioner No.1 is certainly guilty of suppression of the material facts while obtaining the order in subsequent writ petition. The conduct of the petitioner No.1 deserves to be condemned. Since the petitioners do not want to prosecute the petition, the petition is allowed to be withdrawn, subject to the petitioner No.1 depositing the costs of Rs.10,000/- to be deposited in the High Court Dispensary Aurangabad within a period of two weeks from today.

6. In view of disposal of Writ Petition, pending applications, if any, do not survive and same also stand disposed off.

[SUSHIL M. GHODESWAR, J.]

[KISHORE C. SANT, J.]