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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9053 OF 2015

Minakshi w/o Mahadeo Mali
Age - 35 years, Occ - Councilor
R/o Tambari Vibhag, Osmanabad
Taluka and District - Osmanabad

PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
M. S. Mantralaya, Mumbai
2. The Collector, Osmanabad
District - Osmanabad

RESPONDENTS

WITH
WRIT PETITION NO.9054 OF 2015

Pruthviraj s/o Kallappa Chilwant
Age - 45 years, Occ - Business
R/o Bhimnagar, Osmanabad
Taluka and District - Osmanabad

PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
M. S. Mantralaya, Mumbai
2. The Collector, Osmanabad
District - Osmanabad

RESPONDENTS

WITH
WRIT PETITION NO.9055 OF 2015

Amit s/o Diliprao Shinde
Age - 40 years, Occ - Business
R/o Tambari Vibhag, Osmanabad

PETITIONER

Taluka and District - Osmanabad

VERSUS

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| 1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
M. S. Mantralaya, Mumbai | RESPONDENTS |
| 2. The Collector, Osmanabad
District - Osmanabad | |

WITH
WRIT PETITION NO.9152 OF 2015

Vrushali w/o Sadashiv Dandnaik Age - 37 years, Occ - Councilor R/o Yashwantnagar, Osmanabad Taluka and District - Osmanabad	PETITIONER
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VERSUS

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| 1. The State of Maharashtra
Through its Secretary,
Urban Development Department,
M. S. Mantralaya, Mumbai | RESPONDENTS |
| 2. The Collector, Osmanabad
District - Osmanabad | |

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Mr. R. S. Deshmukh, Advocate for the petitioners	
Mr. S. K. Tambe, AGP for respondent State	

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 28th SEPTEMBER, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.

2. Without going into other aspects of the matter, suffice it to refer to that proceedings pending before respondent No.2 were challenged on the ground of jurisdiction. This court, it appears, directed respondent No.2 to decide on the same as early as possible. According to the submission of petitioners, after decision had been rendered on jurisdiction, applications dated 13th August, 2015 had been moved seeking opportunity to lead oral and documentary evidence and thereupon the impugned orders have been passed.

3. Though learned AGP has quite vehemently submitted that these are tactics being employed by the petitioners to procrastinate decision on the disqualification proceedings, it appears that having regard to aforesaid events about direction to decide on jurisdiction and thereafter applications, it would be expedient and in the interest of justice to let an opportunity to the petitioners to adduce evidence as sought under applications dated 13th August, 2015, particularly having regard to order dated 1st August, 2011 in writ petition No. 3953 of 2011 wherein learned single judge has observed that procedures are directory and should not be implemented rigidly and taking into account

principles of natural justice, the petitioners can be allowed to examine witnesses, not named in the list. If the petitioners desire to lead evidence, same may be allowed in the interest of justice.

4. In this view of the matter, applications at Annexure "A" dated 13th August, 2015 stand allowed. The petitioners, however shall adduce evidence, as requested, as early as possible, within a period of six weeks from the date of receipt of writ of this order.

5. With aforesaid observations and directions, writ petitions stand disposed of. In case of failure to adduce evidence within aforesaid period, the disqualification proceedings should proceed further. However, it should be noted that aforesaid observations are not on merits of the case at all and decision on the disqualification petitions should be rendered on its own merits. Rule is made absolute in aforesaid terms.

[SUNIL P. DESHMUKH, J.]