

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 114 OF 2015

Narayan Namdeo Patil & Ors. .. Petitioners
vs.
The State of Maharashtra & Ors. .. Respondents

WITH
WRIT PETITION (STAMP) NO. 31251 OF 2014

Dattu Chandra Patil & Ors. .. Petitioners
vs.
The State of Maharashtra & Ors. .. Respondents

Ms Deeplaxmi Matwankar for Petitioner in WP 114 of 2015.
Mr. Ashok Gade for Petitioner in WP (ST) 31251 of 2014.
Ms M. S. Bane – 'B' Panel – AGP for Respondent Nos. 1 to 3 in WP 114 and 2015.
Ms Aparna Vhatkar – AGP for Respondent Nos. 1 to 3 in WP (ST) 31251 of 2014.
Mr. V. S. Talkute for Respondent Nos. 6, 7 and 12 in both Petitions.

CORAM : M. S. SONAK, J.
DATE : 17 FEBRUARY, 2015

P.C. :-

1] Rule in both the petitions. With the consent of and at the request of the learned counsels for the respondents, Rule is made returnable forthwith.

2] Both these petitions challenge the order dated 30 October 2014 made by the Secretary – Officer on Special Duty (Appeals) by which the proceedings instituted by the respondents have been allowed.

3] There is no necessity to go into the merits of the rival contentions, because it is an admitted position that the petitioners in writ petition no. 114 of 2015, who were necessary parties and who would be affected by the impugned order, were not even impleaded as party to the proceedings. On this short ground, the impugned order dated 30 October 2014 is set aside.

4] The proceedings are remanded to the Secretary – Officer on Special Duty (Appeals) for fresh decision in accordance with law and on its own merits. It is clarified that this Court has not examined the merits of the matters and the contentions of all the parties are expressly kept open for decision by the Secretary – Officer on Special Duty (Appeals).

5] The parties to appear before the Secretary – Officer on Special Duty (Appeals) on 5 March 2015 at 3.00 p.m., in order to obtain directions for the disposal of the proceedings.

6] The Secretary – Officer on Special Duty (Appeals) is directed to dispose of the proceedings expeditiously and in any case within a period of three months from today.

7] Rule is made absolute to the aforesaid extent in both the petitions. There shall be no order as to costs.

8] All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)