

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.31265 of 2015

ORDER:

Heard.

The order of termination of contract was passed against the petitioner by the 3rd respondent under his proceedings, dated 26-08-2015. By virtue of the said order, the registration fee as well as security deposit of the petitioner was forfeited.

The petitioner states that he filed an appeal in the nature of representation before the 2nd respondent on 21-09-2015. Alleging that no action is taken thereon, the present writ petition is filed. Apart from making various allegations on merits, various contentions are raised disputing the validity and correctness of the order of termination.

Sri T.S.Venkata Ramana, learned Standing Counsel appearing for the respondents though filed counter affidavit inter alia denying that no such appeal is pending with the 2nd respondent as claimed by the petitioner and he also seeks to justify the order of termination on various grounds, it is prima facie evident from the copy of the appeal filed by the petitioner along with the writ petition as Ex.P-2 that the petitioner's appeal was acknowledged by the office of the 2nd respondent under a rubber stamp, dated 21-09-2015 and hence, it cannot be accepted that no such appeal is pending with the 2nd respondent. However, in view of the fact that the said remedy is availed of by the petitioner by preferring necessary appeal before the 2nd respondent against the order of termination, it is not necessary to go into the merits of the respective contentions of the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The appeal of the petitioner, referred to above, is required to be looked into, considered and disposed of by the 2nd respondent on merits and in accordance with law, as early as possible, after notice to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 28-09-2015

Prv

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Prv