

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.27089 of 2015

ORDER:

Heard.

The petitioners filed a revision questioning the order of the 3rd respondent, dated 24-04-2015 and it is stated to be pending before the 2nd respondent vide proceedings No.Rc/D2/2047/2015. In the said revision, the petitioners have also filed stay application seeking stay of the order of the 3rd respondent. However, the 2nd respondent rejected the request of the petitioners vide impugned order, dated 15-07-2015. The present writ petition is filed questioning the said order of the 2nd respondent primarily on the ground that the petitioners were not heard by the 2nd respondent before rejecting the stay application. It is also stated that the said order would cause prejudice to the petitioners, as according to them, the order of the 3rd respondent is clearly not sustainable.

Since the learned counsel for the petitioners stated that the petitioners were not heard by the 2nd respondent before passing the impugned order, learned Government Pleader was required to get instructions.

Learned Government Pleader has received instructions, which are not clear as to whether the petitioners were heard before passing the impugned order. However, the instructions state that in view of the order of this Court in W.P.No.15684 of 2015, the 2nd respondent is proposed to take up and dispose of the revision petition itself and for that purpose, he fixed the date of hearing of the revision petition as 25-07-2015 and the advocates for the petitioners were present. However, the matter could not be heard.

The impugned order passed by the 2nd respondent amounts to discretion exercised by the 2nd respondent and the said order also contains reasons. Therefore, this court would not be justified in interfering with the said order. However, since the 2nd respondent had already fixed the date of

hearing of the revision, in the interest of justice, it is appropriate to direct the 2nd respondent to fix an early date of hearing, hear all the parties concerned and decide the revision petition itself expeditiously, as already directed by this Court in the aforesaid writ petition.

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

Miscellaneous petitions, if any, pending shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 14-09-2015

Prv

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