

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.34215 of 2015

ORDER:

Heard.

The present writ petition is directed against the notice, dated 09.10.2015 issued by the 3rd respondent asking the petitioner to submit objections with regard to his application for regularisation. Though the notice calls for objections from the petitioner within seven days, learned counsel for the petitioner states that in the first paragraph of the impugned notice, the 3rd respondent concludes and rejects the application without there being any notice to the petitioner and without considering the objections of the petitioner. Learned counsel also states that there is a decree in favour of the petitioner passed by this Court in S.A.No.288 of 2004, dated 27-10-2014 and to the extent of title of the petitioner, the decree concludes in favour of the petitioner. Hence, the rejection of the petitioner's application at the threshold is not sustainable.

I find substance in the said contention, inasmuch as the first paragraph of the impugned notice records that the petitioner's application is rejected and thereafter, objections are called for from the petitioner. In my view, the 3rd respondent appears to have examined the petitioner's request and has provisionally come to the conclusion that the application needs to be rejected, but he has given liberty to the petitioner to submit objections. Hence, the rejection, as recorded in the first paragraph of the impugned notice, shall be treated merely as provisional giving liberty to the petitioner to submit his objections in support of his request for regularisation within one week from today. The 3rd respondent shall thereafter consider the petitioner's application along with the objections, which the petitioner proposes to file, and then pass appropriate orders in accordance with law within one week from the date of receipt of such objections.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 26-10-2015

Note:

Issue C.C. in three days

(B/o)

Prv

