

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 11668 of 2015

1. Nandurbar Municipal Council,
Nandurbar,
Taluka & District : Nandurbar,
Through its Chief Officer.
2. Kunal Bhatesingh Vasave,
Age : 40 years,
Occupation : Agriculture,
At present Councillor of Nandurbar
Municipal Council, Nandurbar. .. Petitioners.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Rural Development Department,
Mantralaya, Mumbai.
2. The Secretary,
Land Revenue & Forest Department,
Mantralaya, Mumbai.
3. The Director of Municipal Administration,
Mumbai.
4. The Collector,
Nandurbar. .. Respondents.

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Mr. D.S. Bagul, Advocate, for the petitioners.

*Mr. S.G. Karlekar, Asst. Government Pleader, for
respondent nos.1 to 4.*

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**CORAM : S.V. GANGAPURWALA &
A.M. BADAR, JJ.**

DATE : 25TH JANUARY 2016

COURT'S ORDER *(Per S.V. Gangapurwala, J.)* :

1. We have heard Mr. Bagul, the learned Counsel for the petitioners and Mr. Karlekar, the learned Asst. Government Pleader for the respondents.

2. The learned Counsel for the petitioners states that due to political reasons, further activities with regard to the demolition and construction of a new Administrative Building of the petitioner - Municipal Council is stalled. The learned Counsel submits that the necessary proposal was submitted by the petitioners for allotment of land for construction of a new Administrative Building for Nandurbar Municipal Council. The same was submitted to the office of the then Chief Minister of the State of Maharashtra. It was resolved to allot the building of District & Sessions Court situated in CTS No. 573. The Collector directed the present petitioners to submit Enquiry Report. The Municipal Council passed another resolution resolving to demand CTS No. 573 along with its building free of costs from the State Government. The proposal was submitted accordingly.

3. The State Government directed the Collector to ask the Municipal Council to deposit the amount of valuation including the valuation of the building. The Collector through the Tahsildar directed Nandurbar Municipal Council to deposit amount of Rs. 1,00,62,805/-. The

Municipal Council deposited the said amount. The Collector handed over the said land to Nandurbar Municipal Council. The possession was taken over by the Municipal Council of the said property. Thereafter necessary application was filed seeking permission to construct new Administrative Building on CTS No. 573. The said building was required to be demolished. As such, a resolution to that effect was passed. When such activity was going on, one Dr. Vijaykumar Gavit made a complaint to the office of Hon'ble Chief Minister. The Hon'ble Chief Minister granted temporary stay to the demolition of the building on 20th January 2015. The petitioners submitted necessary information to the Hon'ble Chief Minister. The Hon'ble Chief Minister thereafter vacated the said order of stay vide order dated 1st April 2015. The learned Counsel for the petitioners submits that said Dr. Vijaykumar Gavit filed one more complaint application to the Hon'ble Minister. Dr. Vijaykumar Gavit also filed one revision application through his supporter / his sister challenging the order dated 16-8-2014 by which possession of the land was handed over to Nandurbar Municipal Council, in which *status quo* is granted.

4. Mr. Bagul, the learned Counsel for the petitioners, submits that the matter was heard by the Hon'ble Minister on 3rd December 2015 after filing of the present Writ Petition but as yet no orders are passed. The Hon'ble Minister cannot sit over the orders passed by the Hon'ble Chief Minister.

5. Mr. Karlekar, the learned Asst. Government Pleader for respondents, submits that he has received instructions that the matter was heard and thereafter it was again ordered to be re-heard. In his

submission, therefore, it would take some time for the Hon'ble Chief Minister to decide the said revision.

6. In view of the fact that the final orders are to be passed by the Hon'ble Minister, in the revision filed by the present petitioners, we may not dilate on merits of the matter. However, once hearing has taken place in any *quasi judicial* proceedings, orders are required to be passed without any delay. The delay caused in passing the order after hearing the matter can itself be a ground for setting aside the order. As hearing has already taken place, it is expected of the revisional authority to pass orders on the same.

7. The revisional authority where the revision is pending shall pass orders in the said revision expeditiously and preferably within one month from today. It is made clear, that contentions of respective parties are kept open.

8. With the above observations, the Writ Petition is disposed of. No costs.

(A.M. BADAR)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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