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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6795 OF 2016

Sou. Sangita Arjun Patil & Ors.

...Petitioners

Vs.

Additional Divisional Commissioner
Pune Division, Pune & Ors.

...Respondents

Mr. Rahul Walekar, Advocate for the Petitioners

Ms. M.P. Thakur, AGP for the State Respondent

CORAM : SHANTANU S. KEMKAR &

M.S. KARNIK, JJ.

DATED : 5TH JULY, 2016

P.C. :

Matter is not on board. In view of the urgency taken on board and heard forthwith.

2. Heard the parties through their Counsel. By filing this Petition under Articles 226 and 227 of the Constitution of India, the Petitioners have challenged the order dated 1st June, 2016 passed by the Additional Commissioner, Pune, thereby rejecting the Petitioners prayer for interim relief in the Appeal filed by the Petitioners against the order dated 5th

May, 2016 passed by the District Collector.

3. Having gone through the averments made in the Petition and having considered the submissions made by the learned Counsel for the parties, we are inclined to dispose of this Petition by directing the Additional Commissioner, Pune to decide the Petitioners Appeal as expeditiously as possible but not later than 2 months from the date of appearance of the parties before the Additional Commissioner, Pune. Parties to appear before the Additional Commissioner on 14th July, 2016. However, as we find that while rejecting the Petitioners prayer for interim relief, the Commissioner has not applied his mind and has failed to consider that the impugned order is order of disqualification against which the Petitioners have filed the statutory Appeal. In the circumstances, it was incumbent upon the Commissioner to have passed a reasoned order. Having not done, we set aside the order and direct that till the matter is finally decided by the Additional Commissioner, Pune, the order dated 5th May, 2016 passed by the Collector, Pune shall remain stayed. Writ Petition is

accordingly disposed of.

4. Parties to act upon authenticated copy of this order.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)