

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7040 OF 2016

Shri Siraj Kasam Prabhulkar	..Petitioner
Versus	
The Collector, Kolhapur & Ors.	..Respondents

Mr. Tejpal Ingle, Advocate for the Petitioner.
Mrs. Molina P. Thakur , AGP for the State.
Ms. S.Jadhav i/by S.B.Jadhav, Advocates for R.No.3.

**Coram : SHANTANU KEMKAR &
M.S.KARNIK, JJ.**

Date : 24th June, 2016.

P. C. :

**NOT ON BOARD. TAKEN ON BOARD. PRODUCTION
GRANTED IN VIEW OF URGENCY.**

2 Heard the parties through their Counsel. By filing this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the order dated 27/05/2016 passed by the Additional Commissioner, Pune, thereby rejecting the petitioner's prayer for interim relief in the Appeal filed by the petitioner against the order dated 5/5/2016 passed by the Collector, Kolhapur.

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 petitioner's 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 1/07/2016. However, as we find that while rejecting the petitioner's 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 petitioner has 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 5/5/2016 passed by the Collector, Kolhapur shall remain stayed. Writ Petition is accordingly disposed of.

4 Parties to act upon authenticated copy of this order.

[M.S.KARNIK, J.]

[SHANTANU KEMKAR, J.]