

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12827 OF 2015

Prasad Appaso Rainade and Ors.] ... Petitioners

Versus

State of Maharashtra,]
Through Principal Secretary,]
Rural Development Department, and Ors.] ... Respondents

Mr. D. Y. Sutar for Petitioner.

Mrs. M. S. Bane, 'B' Panel Counsel for Respondent Nos.1 to 3.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 13, 2016

P. C. :-

1. The learned Counsel for petitioners makes a statement that all the respondents have been served in the matter and necessary affidavit of service has also been filed.

2. By the order dated 22/12/2015, it was made clear that endeavour shall be made to dispose of this petition finally at the stage of admission itself. Hence **Rule**. Rule is made returnable forthwith in view of the earlier order dated 22/12/2015.

3. The challenge in this petition is to the order dated 14/12/2015 by which the Additional Commissioner has vacated the stay which he had earlier granted to the disqualification of the petitioners during the pendency of the appeal instituted by the petitioners before him. The effect of the impugned order is that the disqualification of the petitioners stands revived. By ad-interim order dated 22/12/2015, the impugned order dated 14/12/2015 was, however, stayed by this Court.

4. Perusal of the impugned order indicates that the same is non-speaking. That apart, the learned Counsel for petitioners submits that the impugned order was made without afford of any opportunity of hearing to the petitioners. Both these grounds are sufficient to set aside the impugned order. The impugned order is accordingly set aside. There shall be a stay upon disqualification of the petitioners during the pendency of appeal before the Additional Commissioner. The Additional Commissioner is, however, directed to dispose of the pending appeal as expeditiously as possible and in any case, within a period of eight weeks from today. In case the petitioners do not cooperate in the matter of expeditious disposal of the appeal, the Additional Commissioner, after afford of opportunity of hearing to the petitioners and after brief record of reasons, shall be entitled to vacate the interim order. However, if the petitioners cooperate in the matter of expeditious disposal of the appeal, then the appeal itself is directed to be disposed of in accordance with law and on its own merits.

5. Rule is made absolute to the aforesaid extent. There shall be no order as to costs,
6. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)