

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.2708 OF 2014

Excon Developers Pvt. Ltd. & Others Petitioners
Vs.
State of Maharashtra & Others Respondents

Ms Jyoti Sinha i/by M/s. Negandhi Shah & Himayatullah
for the Petitioners.

Mr. G.W. Mattos, AGP, for Respondent Nos.1 & 2.

CORAM: S.C. DHARMADHIKARI &
B.P. COLABAWALLA, JJ.

DATE : OCTOBER 24, 2016

P.C:

1. On 26-8-2016 we had enquired from Mr. Mattos as to whether the Caste Scrutiny Committee No.I, Konkan Division is fully functional or otherwise. Mr. Mattos had sought time to take instructions.

2. This direction was issued because Mr. Mattos did not dispute that the order passed on 15-9-2014 was without hearing the petitioners. Therefore, the Committee will hear the

petitioners and the other affected party, namely, respondent No.3 and pass a fresh order.

3. Since the Committee is stated to be functional and Mr. Mattos accepts the fact that the earlier order was not passed after hearing the petitioners and, therefore, that would not survive, we dispose of this writ petition with a direction that the Caste Scrutiny Committee No.I, Konkan Division shall hear the petitioners as well as respondent No.3 before passing a fresh order and in accordance with law. Similarly we direct that the earlier order passed on 15-9-2014 does not survive in the light of the concession of Mr. Mattos.

4. The writ petition is disposed of in the above terms.

5. Needless to clarify that this Court has not examined the rival contentions and they are kept open for being raised before the Committee.

6. The Committee shall decide the matter within a period of three months from the date of receipt of a copy of this

Order.

7. All concerned to act upon an authenticated copy of this order.

(B.P. COLABAWALLA, J.)

(S.C. DHARMADHIKARI, J.)