

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4391/2005

Aslam s/o Ayub Sheikh and others

...Versus...

The State of Maharashtra, the Collector, Gondia District Gondia and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri I.J. Damle, AGP for respondent nos.1 to 3

**CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.**

DATE : 15.10.2016

None appeared for the petitioners on 14.10.2016.
None appears for the petitioners today also. Though we were *prima facie* inclined to allow the writ petition in view of the judgment in the case of *Smt. Jaikumari Amarbahadursingh and others...Versus...State of Maharashtra, through the Secretary, Revenue & Forest Deptt. and another*, dated 30.9.2008 in a bunch of writ petitions bearing Writ Petition No.4433/1999 and others, we are not in a position to allow the same as in view of the said reported judgment, the petitioners would be required to approach the appropriate authority within eight weeks from the date of the decision and it would be necessary for the appropriate authority to consider whether such transfer is legitimate and whether it could be regularized. Since in the absence of the petitioners, a direction, as issued in the case of *Smt. Jaikumari Amarbahadursingh and others* in

paragraph no.52 of the aforesaid judgment, cannot be issued in this case in the absence of the petitioners and without knowledge to them, the writ petition is liable to be dismissed.

Hence, we dismiss the writ petition for want of prosecution.

JUDGE

JUDGE

Wadkar

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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