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

WRIT PETITION NO. 11096 OF 2016

Annasaheb Appa Kodole

...Petitioner.

VS

State of Maharashtra & Ors.

...Respondents

.....

Mr Bhushan Mandlik i/b S.S.Patwardhan for the Petitioner.
Mrs Madhubala Rajale "B" Panel counsel for Respondent Nos.1
to 4.

.....

**CORAM : K.K.TATED &
B.P.COLABAWALLA, JJ.
APRIL 25, 2018.**

P.C.:

Heard learned counsel for parties.

2 By this petition under Article 226 of the Constitution of India, the petitioner seeks direction against Respondent No.3 to decide the application of the petitioner dated 27th November, 2015 (Exh "K" page 60) on its own merits. Though this Court by an order dated 10th April, 2018 directed the learned AGP to file an affidavit-in-reply within two weeks, they failed and neglected to do so.

3 Learned advocate for the petitioner submits that if Respondent No.3 is directed to decide their application dated

27th November, 2015 within stipulated time, they have no objection the matter to be disposed of in terms of prayer clause (c).

4 On considering the submissions of learned advocate for the petitioner and the averments made in the petition, we are satisfied that the petitioner has made out a case for allowing the Writ Petition in terms of prayer clause (c) which reads thus-

- (A) “(c)In the alternative this Hon'ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus thereby directing respondent no.3 to decide the petitioner's application dated 27th November, 2015 made to him Exhibit K hereto and pass appropriate orders forthwith or within such time as this Hon'ble Court may deem just and proper.”
- (B) Respondent No.3 to decide the petitioner's application dated 27th November, 2015 on or before 27th July, 2018 and communicate their decision to the petitioner in writing;
- (C) The petition is disposed of accordingly;
- (D) No costs;
- (E) All parties to act on the authenticated copy of this order;

(B.P.COLABAWALLA, J.)

(K.K.TATED, J.)