

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10860 OF 2018**

**National Workers' Federation
Vs.
State of Maharashtra & Ors**

..Petitioner

..Respondents

**Mr. Avinash Belage I/b Mr. Nitin Kulkanri for the Petitioner
Mrs. R. M.Shinde AGP for the Respondent State**

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 9th OCTOBER, 2018**

P.C.

1 The order dated 10-2-2016 passed by the State Government in its Urban Development Department thereby staying / suspending the Resolution No.1216 dated 19-11-2011 passed by the Pimpri Chinchwad Municipal Corporation, is taken exception to by way the above Petition.

2 The challenge to the said order is based on the ground that order dated 18-4-2016 passed in Writ Petition No.3217 of 2015 filed by the Petitioner, has not been complied with in the matter of hearing the Petitioner and thereafter passing an order in accordance with law. It seems that when the said order dated 18-4-2016 came to be passed in the said Writ Petition No.3217 of 2017, the factum of the instant order having been already passed was not brought to the notice of the Division Bench which passed the said order dated 18-4-2016. Hence it was oblivious of the instant order that the

Division Bench passed the order thereby directing the State Government to pass final orders after hearing the Petitioner.

3 We had accordingly deferred the hearing of the above Writ Petition on 5-10-2018 so as to enable the Learned AGP to obtain instructions. The Learned AGP informs us that the concerned officers of the Urban Development Department, Government of Maharashtra are present in court. The Learned AGP fairly concedes to the fact that the instant order was not brought to the notice of the Division Bench when it passed the order dated 18-4-2016. In the light of the situation arising on account of the said order dated 18-4-2016, the Learned AGP leaves it to this court as regards the course of action that is required to be followed. In our view, since the mandate of the said order dated 18-4-2016 could not be followed in view of the fact that the instant order was already passed prior to the passing of the said order dated 18-4-2016 by the Division Bench, the interest of justice would be served if the impugned order dated 10-2-2016 is quashed and set aside and the matter is remanded back to the State Government for a denovo consideration of the application filed by the Commissioner of the Pimpri Chinchwad Municipal Corporation invoking Section 451 of the MMC Act. On remand the concerned authority of the State Government would hear the Petitioner and thereafter take an appropriate decision on the application filed by the Municipal Commissioner. The impugned order is accordingly set aside and the matter is

relegated back to the State Government for a denovo consideration in terms of the instant order. The representative of the Petitioner would remain present before Mr. Dilip Vanere, Desk officer on 23-10-2018 at 3.00 p.m. The Desk Officer would thereafter direct them to appear before the concerned authority of the State Government who would be hearing the Petitioner. The Petition is allowed to the aforesaid extent and is accordingly disposed of.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]

Meera
Mahesh
Jadhav

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