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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10470 OF 2012

Sanjay J. Patil & Anr.	...Petitioners
V/s.	
Lilabai B. Gaikwad (Inamdar) & Ors.	...Respondents

Mr.N.V. Walawalkar, Senior Counsel i/b Mr.S.M. Sabrad for the Petitioners.

Mr.P.S. Dani, Senior Counsel i/b Mr.Vijay Killedar for the Respondent Nos.1 to 4.

Ms.Geeta P. Sonawane, A.G.P. for the State – Respondent Nos.11 to 13.

CORAM : R.D. DHANUKA, J.
DATE : 3RD JULY, 2018.

P.C. :-

1. A perusal of the impugned order passed by the learned Minister indicates that the learned Minister has not considered all the submissions made by the petitioners in the impugned order and has virtually passed a non-speaking order. In view of these facts, Mr.Dani, learned senior counsel appearing for the respondent nos.1 to 4, on instructions states that the matter may be remanded back before the learned Minister for deciding the matter afresh in accordance with. The statement is accepted.

2. I therefore, pass the following order :-

a). The impugned order dated 9th August, 2012 passed by the respondent no.13 in Appeal No.Consolid-3409/778/P.No.118/L-1 thereby confirming the order dated 31st December, 2008 passed by the respondent no.12 is set aside. The said proceedings are restored before the respondent no.13 for deciding the said proceedings afresh in accordance with law and after complying with the principles of natural justice.

b). The respondent no.13 shall decide the matter without being influenced by the observations made and the conclusion drawn in the said impugned order dated 9th December, 2012. All other contentions of both the parties on merits are kept open.

c). Both the parties are directed to appear before the learned Minister on 30th July, 2018 at 11:00 a.m. If the said date is not convenient to the learned Minister, the earliest convenient date shall be communicated to both the parties by the petitioner. None of the parties shall ask for any unnecessary adjournment.

d). It is made clear that during the pendency of the proceedings before the respondent no.13, interim relief, if any, which was in force during the pendency of the said proceedings before the date of passing the impugned order shall stand restored and to continue also for a period of two weeks from the date of communication of the order, that may be passed by the respondent

no.13 if the same is adverse against the petitioner. It is made clear that this Court has not expressed any views on the merit of the matter.

e). All the contentions of both the parties are kept open. Learned Minister shall make an endeavor to dispose of the said proceedings within three months from the date of the first meeting.

3. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

4. All the parties including the learned Minister to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)