

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO.840 OF 2019

GAUTAM DHONDUJI BHISE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Subhash K.Savangikar
AGP for Respondent Nos.1 And 2 : Mr. K.S. Patil
Advocate for Respondent No.3 : Mr. S.B. Pulkundear
Advocate for Respondent No.5 : Mr. S.K. Chavan

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CORAM : V.L. ACHLIYA, J.

DATED : 25th APRIL, 2019

PER COURT:-

By consent, the petition is taken up for final disposal at the stage of admission in view of limited challenge raised in the petition.

2. By the present petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 10.10.2018 passed by the Hon'ble Minister for Rural Development, State of Maharashtra, which is communicated to petitioner vide letter dated 03.01.2019 issued by Under Secretary, Department of Rural Development and Panchayat Raj, State of Maharashtra. By the impugned order, the Hon'ble Minister of the Rural Development Department has passed the following

order:-

"To be stayed till hearing"

4. Learned counsel for the petitioner has assailed the order with contention that the order passed is the glaring example of non application of mind and arbitrariness in exercise of powers on the part of the appellate authority i.e. Minister concerned. While passing the order, no reasons have been recorded. So also the order passed also not reflects as to what has been stayed by virtue of the order passed in the matter. It is further submitted that though stay has been granted on 10.10.2018, the order was communicated vide letter dated 03.01.2019. No notice of appeal has been issued to the petitioner till this date.

5. On the face of the order passed, I am of the view, the order has been passed in most casual manner and that too without application of mind on the part of the Minister concerned. While discharging the obligation as statutory Authority in exercise of quasi judicial Authority, the authority must conduct itself in the position of statutory Authority created under the law to discharge the judicial function. The order as quoted above, even not mention/specify as to what has been challenged and stayed by appellate authority. It appears that the order has been passed as if the authority discharging routine administrative work.

6. Since the appeal is pending for consideration before the appellate authority, I am of the view that instead of deciding the legality of the order, the petition be disposed of with direction to the appellate authority to decide the appeal in a time bound manner. Accordingly the parties are directed to appear before the appellate authority on 07.05.2019 with the copy of this order. On appearance of the parties, the appellate authority is directed to fix the date of hearing of appeal and decide the same as expeditiously as possible, and preferably within eight weeks w.e.f. 07.05.2019.

7. The petition is disposed of in above terms.

8. All concerned to act upon the authenticated copy of this order.

(V.L. ACHLIYA)
JUDGE