

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

**CONT. PETITION NO.718 OF 2018
IN WP/8907/2010**

**MAHARSHTRA STATE LAGHUWETAN SARKARI KARMACHARI SANGH
MUMBAI THROUGH PRESIDENT DIN
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

Mr.D.K.Dagadkhair, Advocate for the petitioner
Mr.K.N.Lokhande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 21.01.2019

P.C. :-

. In the present contempt petition the petitioner Society raised grievance of non-compliance of the order of this Court dated 27.11.2017.

2. It was submitted before this Court by the learned counsel for the petitioner that review application is pending before respondent No.1 i.e. the State of Maharashtra. It was also submitted that the application is pending for considerable long period i.e. almost for nine years. The petitioner also submitted before this Court that the petitioner would prefer a fresh application on the same lines

to respondent No.1 and respondent No.1 be directed to decide the application.

3. Considering the submissions, the petition was disposed of observing that if the petitioners preferred fresh application within six weeks on the lines of the application dated 08.12.2018, respondent No.1 shall thereafter initiate appropriate proceeding as permissible in law and shall consider the said application after hearing the concerned parties as expeditiously as possible and preferably within a period of four months from its filing. Then, it was further observed that interim relief granted earlier by this Court on 30.09.2010 shall be continued for a period of eight weeks from the date of order and the petitioner was also granted liberty to request respondent No.1 for interim relief.

4. The petition was posted before us on 18.01.2019.

5. Learned counsel for the petitioner submitted that though the petitioner had filed fresh representation the same is pending before the

authority and the petitioner has not been granted an opportunity of hearing. Learned AGP was directed to seek instructions. Considering the limited grievance of the petitioner, the learned AGP immediately forwarded the communication seeking information pointwise namely whether the notice of hearing was issued to the petitioner, whether the petitioner was available for hearing and if hearing could not proceed for the absence of the petitioner, whether the next date is scheduled and whether next date is informed to the petitioner. Though learned counsel submitted before us that no notice is received by the petitioner the documents annexed to the communication received by the office of the Government Pleader was that notice was issued firstly on 01.01.2019 informing the petitioner scheduled date of hearing i.e. 17.01.2019 at 11.00 am also informing the place of hearing. It was also informed to the petitioner that the petitioner can establish contact with the concerned Desk Officer, if the petitioner is desirous of knowing the other details. Even the e-mail address was also informed to the petitioner for establishing contact. It seems that this notice was not received by the petitioner and recently i.e. on 19.01.2019 again the petitioner

has been informed about the next scheduled date of hearing i.e. 01.02.2019, time of hearing i.e. 11.00 am, place of hearing i.e. Meeting Hall, First Floor, Office of the Divisional Commissioner, Kokan Division, Kokan Bhavan, CBD Belapur, New Mumbai. Copy of this notice again shows that the petitioner is informed about the name of the Desk Officer Rajkumar Alkunte. The other documents alongwith the communication submitted to the Office of the Government Pleader shows that even prior to notice dated 01.01.2019 a notice dated 06.12.2018 was issued to the petitioner informing the petitioner scheduled date of hearing i.e. 13.12.2018. The copy of roznama also shows that as the petitioner was unable to attend the hearing in spite of service duly effected on the petitioner, the Hon'ble Minister, Revenue by way of last chance adjourned the hearing on the next date i.e. 01.02.2019.

6. This being the fact situation, we are of the opinion that respondent authority and more particularly respondent No.1 took care to issue notice to the petitioner.

7. Now, as the next date is 01.02.2019 all the

details have been re-produced by us in our order about the next date of hearing, place of hearing, time of hearing, we see no impediment for the petitioner now to attend the hearing on 01.02.2019 and make the submission before respondent No.1 authority then on hearing the petitioner, may pass appropriate orders, needless to state on the merits of the application preferred by the petitioner as expeditiously as possible.

8. In view of the above referred directions/observations nothing survives in the contempt petition. Contempt petition is disposed of accordingly.

9. Copy of the communication received by the office of the Government Pleader is taken on record and marked as "X" for identification.

10. Parties to act upon authenticated copy of this order of this Court.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]