

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

WRIT PETITION NO. 11799 OF 2019

**SUNIL RAMESH KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Shri V. D. Sapkal
AGP for Respondent Nos. 1 and 2 : Shri S. R. Yadav - Lonikar
Advocate for Respondent Nos. 4 to 8 : Shri S. S. Patil

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 24th SEPTEMBER, 2019.

...

PER COURT :

1. This matter was not on board. A grave urgency was voiced by the petitioner at 10.30 a.m. Hence taken on the production board.

2. The petitioner is aggrieved by the Communication dated 13/09/2019, by which, the Desk Officer, State of Maharashtra has informed the District Collector, Jalgaon that the Honourable Minister for State, Urban Development has stayed the order of the District Collector dated 05/09/2019, temporarily, while issuing notices to the parties.

3. The grievance of the petitioner is that he had entered a caveat on 09/09/2019 in the office of the Honourable Minister. This caveator should not have been ignored and without assigning any reasons, an exparte ad interim order should not have been passed against the caveator.

4. The learned Advocate Shri Patil, who has entered a caveat on behalf of respondent Nos. 4 to 8, submits that the exparte ad interim order was passed by the Honourable Minister in the morning on 09/09/2019. Neither was the caveat served upon these respondents, nor was it served on the office of the Honourable Minister.

5. I find that there is no reason to enter into this debate as regards, when was the caveat filed and whether, the Honourable Minister was aware of the caveat before he passed the order on 09/09/2019. I may, however, record that if a caveat is lodged before any authority or the Honourable Minister, the caveator has to be heard and in the event of extreme urgency, an order still could be passed without noticing the caveator provided sufficient reasons are assigned indicating the urgency in which the order has been passed.

6. The learned AGP points out that as the order at issue is an ex parte ad interim order, the Honourable Minister would be hearing the matter on whether the ad interim order should be confirmed or not. However, since the State Assembly elections have been declared and the polling is scheduled on 21/10/2019, the Code of Conduct has been brought into operation.

7. In view of the above, this petition is disposed off by directing the parties to appear before the Honourable Minister on 10/10/2019 at 3.00 p.m. The Honourable Minister shall hear the learned Advocates for the respective sides and after the hearing is concluded, he would pass a reasoned order, expeditiously by considering the contentions as well as the objections of the parties. I make it clear that the Code of Conduct shall not be an impediment and there shall be no hurdle for the Honourable Minister to comply this order.

(RAVINDRA V. GHUGE, J.)

shp/-