

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13691 OF 2019
(Rambhau s/o Nivrutirao Gund Vs. The State of Maharashtra and
others)

Mr.A.B.Chalak, Advocate for the petitioner.
Mr.S.R.Yadav, AGP for respondent Nos. 1 and 2.
Mr.D.J.Choudhary, Advocate for respondent No.4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 14/11/2019

PER COURT :

1. The petitioner is aggrieved by the ex-parte ad-interim order dated 19/09/2019 passed by the Hon'ble Minister, Marketing, on Appeal No.26/2019 filed by respondent No.4 under Rule 10(5) of the Maharashtra A.P.M.C. (Election to Committee) Rules 2017. Grievance is that though the petitioner had filed a caveat, the Hon'ble Minister has not taken cognizance of the same and could not have passed an ex-parte order.

2. Respondent No.4 has filed a detailed affidavit in reply.

3. The learned AGP submits that President's Rule has been imposed on the State of Maharashtra on 12/11/2019 and there can

be no hearing before any Minister in this matter.

4. The Division Bench of this Court has passed an order on 28/01/2014 at Aurangabad in WP No.874/2014 in the matter of Momin Mohammad Khurshid Vs. State of Maharashtra and others. thereby directing the Secretary of the concerned Department, Government of Maharashtra to decide the issue, for want of availability of the concerned Minister.

5. This Court has passed an order on 28/03/2014 at Aurangabad in WP No.9930/2013 in the matter of Shaikh Shakila Shaikh Nizam Vs. The State of Maharashtra and others. A similar direction was issued to the Secretary to decide the matter. The Division Bench of this Court has recently passed an order on 16/10/2019 at Aurangabad in WP No.12580/2019 in the matter of Anuja Kalyan Gore Vs. The State of Maharashtra and others. by which, the Hon'ble Minister, after the formation of the new Government, was directed to decide the proceeding pending.

6. The learned AGP submits on instructions that the litigating sides can appear before the Principal Secretary, Department of Marketing, Hall No.524, 5th floor , Annexe Building at Mantralaya

at 3,00 p.m. on 21/11/2019.

7. In the peculiar facts of this case and in view of the imposition of President's Rule in the State of Maharashtra, this petition is disposed off.

8. The parties shall so appear and shall participate in the hearing of the matter as per the dates on which the matter would be posted by the Principal Secretary.

(Ravindra V.Ghuge, J.)