

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1548 OF 2019

Lata Haribhau Avtade	..Petitioner
Versus	
Laxman Dharma Mali and others	..Respondents

**AND
CIVIL APPLICATION NO.863 OF 2019
IN
WRIT PETITION NO.1548 OF 2019**

Lata Haribhau Avtade	..Applicant
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IN THE MATTER BETWEEN

Lata Haribhau Avtade	..Petitioner
Versus	
Laxman Dharma Mali and others	..Respondents

Mr. N. V. Bandiwadekar I/by I. M. Khairadi, Advocate for the
Petitioner/Applicant.
Mrs. R. M. Shinde, AGP for Respondent Nos.2 to 4.
Ms. C. A. Deshmukh, Advocate for Respondent No.5.
Mrs. Minakshi B. Raut, I/c Deputy Director, Pune Region – present
in Court.

**CORAM : B. R. GAVAI &
DAMA SESHADRI NAIDU, JJ.
DATE : 8th APRIL, 2019**

P.C.

1] Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2] The Petition challenges the order dated 3rd January 2019 passed by the Respondent No.3 as per the directions issued by this Court in Writ Petition No.2054 of 2013 dated 22nd February 2016.

3] It appears that in earlier round of litigation at the behest of Respondent No.1 herein by way of Writ Petition No.2054 of 2013, the Division Bench of this Court vide order dated 22nd February 2016 remanded the matter back to the Respondent No.3 – Deputy Director, who was directed to give hearing to all the concerned parties and take a decision in accordance with law.

4] The Petition deserves to be allowed on three short grounds. The undisputed facts are as under :-

Firstly, the hearing was conducted by the then incumbent in the office of Respondent No.3 on 10th May 2016. However, the order has been passed subsequently in the month of January 2019 and that too by the subsequent incumbent in the office of Respondent No.3.

The Apex Court in catena of cases has held that the

authorities exercising judicial and quasi-judicial powers should deliver judgment within a reasonable period and such period has been quantified as six months. Undisputedly, in the present case, the order is passed after a period of two years and six months from the date on which the matter was heard.

Secondly, in the present case, learned AGP fairly admits that the order is not passed by the person, who has heard the same. The Apex Court in catena of cases has held that the order should be passed by the same authority which has heard the matter. The same violates the principles of natural justice.

Thirdly, the report on the basis of which Respondent No.3 has passed order was not supplied to the Petitioner before passing the impugned order.

5] In that view of the matter, we are inclined to allow the Petition. The impugned order is quashed and set aside. The matter is remitted back to Respondent No.3, who is directed to decide it afresh after following the principles of natural justice. The same be heard and decided within a period of three months from the date of

uploading of this order.

6] In view of disposal of Writ Petition, Civil Application does not survive and accordingly stands disposed of.

7] Parties to appear before Respondent No.3 on 22nd April 2019. The requirement of formal notice shall stand waived.

[DAMA SESHADRI NAIDU, J.]

[B. R. GAVAI, J.]