

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11199 OF 2019

Marathwada Mitra Mandal through its President
Dr. Patil Khushalrao Bhaurao ... Petitioner
Vs.
The Additional Commissioner and others ... Respondents

Mr. S. M. Sabrad i/b. Ms Neha Parte for Petitioner.
Mr. S. H. Kankal, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 18, 2019

P.C. :

Heard Mr. Sabrad, learned counsel for the petitioner and Mr. Kankal, learned AGP for respondents-State.

2. Petitioner had earlier approached this Court by filing Writ Petition (St.) No.9352 of 2018 disposed on 04.10.2019 which order sums up the predicament of the petitioner. Order dated 04.10.2019 is extracted hereunder:

“ Civil Application No. 1031 of 2018 is not on board. At the request of the learned counsel taken on board.

2. The present Petition is directed against an Order dated 19th March, 2018 passed in Appeal No.194 of 2018 by the Additional Commissioner, Konkan Division, thereby rejecting the prayer for grant of stay to the impugned Order therein.

3. By an Order dated 26th March, 2018, this Court granted ad-interim relief in terms of prayer clauses (c) and (d) of the Petition. The learned AGP submitted that, by an Order dated 16th April, 2019, the Additional Commissioner, Konkan Division has already decided the said Appeal and rejected the same.

4. The learned counsel for the Petitioner submitted that, against the said Order dated 16th April, 2019 passed by the Additional Commissioner, Konkan Division, thereby rejecting

the said Appeal, the remedy of Revision is availed by the Petitioner before the State Government and the same is pending for final adjudication. He further submitted that, the Petitioner has also filed an Application for stay in the matter. However, in view of the ensuing elections and code of conduct applied thereto, the said Application could not be heard by the concerned Authority.

5. As the Petitioner has already filed Revision before the State Government, the ad-interim relief granted by this Court on 26th March, 2018 to remain in force for a period of four weeks from today.

In view thereof, the present Petition is disposed off, as infructuous. In view of the disposal of the Writ Petition (Stamp) No.9352 of 2018 itself, Civil Application Nos. 1861 of 2019 and 1031 of 2018 do not survive and are accordingly disposed off.”

3. Learned counsel for the petitioner submits that after the order dated 04.10.2019, petitioner filed an application before the revisional authority on 15.10.2019 for hearing the said application along with the revision application at an early date since this Court had granted the interim relief for a period of 4 weeks from 04.10.2019 which period expires on 02.11.2019.

4. Learned counsel for the petitioner has expressed the apprehension that in view of the ensuing Assembly Elections, it may not be possible for adjudication of the revision application within the period stipulated by this Court.

5. After hearing learned counsel for the parties and on due consideration, Court is of the view that it would meet the ends of justice if respondent No.3 i.e. the revisional authority is directed to hear and decide the revision application itself expeditiously, and in the interregnum, to continue with the interim protection granted by this Court.

6. Accordingly, petitioner is directed to appear before respondent No.3 on or before 15.11.2019 and respondent No.3 is directed to hear and decide the revision application filed by the petitioner against order dated 16.04.2019 one way or the other within a period of 4 months commencing from 15.11.2019. During this period, interim stay granted by this Court on 04.10.2019 shall hold the field.

7. Writ Petition is disposed of.

(UJJAL BHUYAN, J.)

Minal Parab