

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

46 WRIT PETITION NO.4148 OF 2021
SHAHAJAPUR VIVIDH KARYAKARI SEVA SAHAKARI SOCIETY
LTD THROUGH ITS DIRECTOR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners:

Mr. S. P. Salgar h/f. Mr. Gaware Niteen V.
I/c. G.P. for Respondents/State: Mr. D. R. Kale

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**CORAM: S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE: 08th MARCH, 2021

PER COURT:

1. We have heard Mr. Salgar, learned Counsel holding for Mr. Gaware, learned Counsel for the petitioners.

2. The learned Counsel for the petitioners submits that the respondents did not possess the competence to issue impugned circular and subsequent circular dated 24.02.2021. The learned Counsel also advanced further submissions.

3. We have also heard Mr. Kale, learned In-charge Government Pleader for the respondents/State.

4. In normal course, we would have considered the arguments advanced by the learned Counsel for the petitioners, however, considering the COVID-19 pandemic situation as on the date and the daily surge of COVID-19 cases in the State of Maharashtra, at present, we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India.

5. In case, the respondents issue similar executive instructions as assailed in the present writ petition and executive instructions dated 24.02.2021, after 31.03.2021, then the petitioners will be at liberty to assail the same. In that event, all contentions of the petitioners raised in the petition are kept open.

6. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S. V. GANGAPURWALA, J.]

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