

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
908 WRIT PETITION NO.2521 OF 2021**

RAHUL UTTAMSING PATIL

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Nilesh N. Desale, Advocate for the Petitioner.
Mr. K. N. Lokhande, AGP for Respondents-State.
Mr. V. H. Bagul, Advocate for Respondent No.2.

...

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

DATED : 11th FEBRUARY, 2021.

PER COURT:-

1. The matter was heard on 10.02.2021. We had dictated the order, however, the same was not signed. At the end of the board, the learned A.G.P. mentioned the matter stating that the application filed by the petitioner has been decided on 09.02.2021 that is the day before we had passed the order. The said order is placed on record, but not signed by us.

2. At the request of parties, the matter was kept today.

3. The order passed on 09.02.2021 by the Assistant Registrar is placed on record by the learned A.G.P.

4. Mr. Bagul, learned counsel submits that the order was passed by the Authority without hearing the petitioner and without notice to the petitioner. The learned counsel sought to amend

and assail the said order, as it was without hearing the petitioner and without notice to the petitioner. Leave granted.

5. As the order is passed without hearing the petitioner as well as respondents, we set aside the order dated 09.02.2021 rejecting the application of the petitioner as not maintainable.

6. The petitioner may appear before the Authority on 12.02.2021. The petitioner may put forth his case before the Authority. The Authority shall consider the case of the petitioner and may take appropriate decision on its own merits.

7. If the Authority comes to the conclusion that the application of the petitioner is not tenable, then the petitioner will have remedy available with him as may be permissible. If the Authority comes to the conclusion after hearing the petitioner that the proceedings are maintainable before him, then the Authority after hearing all parties interested and that would be affected shall take decision upon it preferably within a period of 10 days thereafter.

8. It is made clear that we have not considered the merits of the contentions of the either parties.

9. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE