

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3920 OF 2012

SHIVAJI GUNDAJI ANCHULE AND ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

...

Advocate for Petitioners : Mr. Nilesh J Patil
AGP for Respondent Nos.1 & 6/State: Mrs. V. S. Choudhari
None for Respondent Nos.2 to 5

...

CORAM : N. B. SURYAWANSHI, J.

DATE : 6th December, 2021

PER COURT :

. This petition challenges the order passed by the Respondent No.5, thereby dismissing the appeal filed under Section 2A(2)(2) of the Hyderabad Abolition of Inams and Cash Grants Act, 1954 (For short “the said Act”) by the Petitioners.

2. By the impugned order, Respondent No.5 has dismissed the appeal filed by the Petitioners under Section 2A(2)(2) of the said Act, solely on the ground that, the Writ Petition No.1641/2012 filed by the Petitioners is pending before this Court.

3. The said petition was filed by the Petitioners challenging the order passed by Respondent No.5, thereby denying stay to the order impugned in the appeal. This Court granted stay in favour of the Petitioners.

4. The impugned order is unsustainable as the Respondent No.5 was not justified in dismissing the statutory appeal filed by the Petitioners only on the ground that, the Writ Petition No.1641/2012 is pending before this Court. The Respondent No.5 was duty bound to consider the statutory appeal of the Petitioners on merits.

5. In the result, Writ Petition is allowed. The impugned order (Exhibit-K) dated 01-04-2012, passed by the Divisional Commissioner, Aurangabad is hereby quashed and set aside and the matter is remanded back to the Divisional Commissioner, Aurangabad for decision on merits after hearing the concerned parties.

(N. B. SURYAWANSHI, J.)