

Prajakta Vartak

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

INTERIM APPLICATION NO.4170 OF 2021

IN

WRIT PETITION NO.8649 OF 2021

Bajirao Sudam Katkar

...Applicant

V/s.

State of Maharashtra & Ors.

...Respondents

WITH

INTERIM APPLICATION NO.4178 OF 2021

IN

WRIT PETITION NO.8649 OF 2021

The Deputy Secretary

...Applicant

In the matter between

Shri. Bajirao Sudam Katkar

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr. S. M. Gorwadkar, Senior Advocate Mr. Niranjan Mogre for Petitioner.
Mr. C. D. Mali, AGP for State.

CORAM : G. S. KULKARNI, J.
DATE : DECEMBER 17, 2021

PC :

1. These are two interim applications. One is filed by the applicant/petitioner praying for the following reliefs:-

“A. This Hon’ble court be pleased to recall the order dated 07/12/2021 passed in Writ Petition no. 8649 of 2021 disposing of the said petition and consider the petition and hear the petition for admission on its own merits for passing appropriate orders.

B. Pending hearing of the present Interim Application the impugned order dated 17/11/2021 be stayed.”

2. The other application is filed on behalf of the State Government praying for extension of time by two weeks to decide the appeal/stay application filed by the petitioner.

3. In the order dated 7 December, 2021, this Court had directed the petitioner to approach the office of the Hon'ble Minister along with a copy of the said order on 09 December, 2021 but the Hon'ble Minister could not take up the hearing of the interim application for stay on a convenient date. The said order directed the applicant/petitioner's application be decided within a period of 10 days from the date of the said order.

4. Mr.Gorwadkar, learned senior advocate for the applicant/petitioner submits that 10 days have expired today and till the interim application has not been decided, although specifically directed by this Court.

5. Mr. Mali, learned AGP for the State on instructions makes a statement that now the hearing of the interim application is fixed on 22 December, 2021 and on such date, the interim application of the petitioner shall be decided. Accepting such statement as made by Mr. Mali, learned AGP, in my opinion, further adjudication of these interim applications are not called for. The Hon'ble Minister shall decide the interim application of the petitioner on 22 December, 2021 as noted above.

6. It is made clear that if the interim application of the petitioner is not decided, the petitioner would be at liberty to revive the proceedings of the writ petition and in that case, this Court would hear the petitioner on the reliefs as prayed for.

7. All contentions of the parties on the pending proceedings before the Hon'ble Minister are expressly kept open.

8. Interim Applications are disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)