

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3790 OF 2021**

Jamunadas Khubchand Purswani] Petitioner

Vs.

**Divisional Commissioner, Konkan]
Division, Navi Mumbai and another.] Respondents**

.....

Mr. Narayan Bubna, for Petitioner.

Mr. R.P. Kadam, A.G.P, for Respondent-State.

.....

**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ.**

DATE : 12th AUGUST, 2021.

P.C.

1. Heard learned Counsel for the parties.

2. By this petition under Article 226 of the Constitution of India, the petitioner is seeking direction against respondent No.1 to expeditiously decide Disqualification Petitions No.2 of 2019 to 10 of 2019 filed by him under section 3(1) (b) of the Maharashtra Local Authorities Members Disqualification Act, 1986 on 24th December, 2019.

3. Mr. Kadam, learned A.G.P appearing on behalf of the respondents-State tendered affidavit in reply of the respondents as per earlier order dated 12th August, 2021. The same is taken on record.

4. Mr. Kadam, learned A.G.P appearing on behalf of the respondents submits that more than 22 applications are pending before the Competent Authority. He submits that because of Covid-19 situation, it remained on the part of the Authority to decide the petitioner's applications. He submits that the Competent Authority will decide all these applications as early as possible, but, in any case, within six months from today. In support of his contention, the learned A.G.P relies on paragraph 10 of the said affidavit in reply dated 12th August, 2021 which reads thus;

“ I say and submit that it is humbly being brought to the notice of Hon'ble Court that apart from these reference Applications, 22 more Reference Applications are pending before the Divisional Commissioner, which could not be heard due to Pandemic. Hence it is our earnest prayer to grant at least six months time to decide the matters as provided under the Maharashtra Local Authority Members Disqualification Act, 1986 and Rules, 1987”.

5. On the basis of these facts, Mr. Kadam, the learned A.G.P submits that the Hon'ble Court may grant six months time to the respondents to decide the petitioner's applications.

6. On the other hand, Mr. Bubna, learned Counsel for the petitioner submits that in the present proceedings the petitioner has filed Disqualification Applications on 24th December, 2019. Hence, there is no question of granting six months time to the respondents as they claim. He further submits that even the respondents along with their affidavit in reply placed on record the order dated 19th June, 2021 passed by this Court in Writ Petition (Stamp) No.3138 of 2021. He submits that in that case this Court granted two and half months time to decide the application.

7. On the basis of these facts, Mr. Bubna, learned Counsel appearing on behalf of the petitioner submits that the respondents be directed to decide their applications as early as possible, but, in any case, within two months from today.

8. We heard learned Counsel for the parties at length.

9. There is no dispute that the petitioner's applications are pending since December, 2019 for hearing and final disposal. The respondents in their affidavit in reply stated that near about 22 applications are pending with them for hearing on merits.

10. Considering the submissions made by learned Counsel for the petitioner that the applications are filed in December, 2019 and reasons given by respondents in paragraph 10 of their affidavit in reply, we are of the opinion that the petitioner has made out a case for direction to decide his application as early as possible.

11. In view of these facts, following order is passed;

: ORDER :

- (a) Respondent No.1 is directed to decide petitioner's Disqualification Petitions No. 2 of 2019 to 10 of 2019 filed under section 3 (1) (b) of the Maharashtra Local Authority Members Disqualification Act, 1986 as early as possible, but, in any case, on or before 30th November, 2021;
- (b) Liberty is granted to the petitioner to serve the copy of the order passed by this Court on the Competent Authority for taking appropriate steps for early hearing;
- (c) All contentions of both the parties are kept open;
- (d) Parties to co-operate the concerned Authority for disposal of the applications;
- (e) Writ Petition is disposed of with these directions;
- (f) No order as to costs.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]