

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1012 OF 2021

Pandurang s/o Mahadev Shejole and another

vs.

State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. C. R. Sharma, Advocate for petitioners.

Mr. S. M. Ukey, Addl. G.P. for respondent Nos.1 to 3.

Mr. P. S. Kshirsagar, Advocate for respondent Nos.4
to 11.

CORAM : MANISH PITALE J.

DATE : 14th JUNE, 2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By order dated 26th February, 2021, while issuing notice for final disposal, this Court had granted ad-interim stay to the order dated 28th January, 2021 passed by the respondent No.1 i.e. the concerned Minister of Department of Cooperation, Textile and Marketing in Appeal Nos. 2 to 8 of 2021.

3. While issuing notice and passing the aforesaid interim order, this Court had recorded the fact that the petitioners herein had raised the preliminary objections with regard to the very maintainability of the Appeals before the respondent No.1 and without deciding the said preliminary objections, the respondent No.1 had proceeded to pass an interim order in the matter.

4. Upon issuance of notice, the respondents had appeared before this Court. The contention of the petitioners is that the original order of disqualification of the contesting respondent was passed by the District Deputy Registrar and the Appeal thereupon filed before the Divisional Joint Registrar was decided by the said Appellate Authority as a delegatee of the State Government. On this basis, it is contended that the Appeal against the order of the Divisional Joint Registrar before the respondent No.1 was clearly not maintainable. This Court is of the opinion that the aforesaid contention ought to have been considered and decided by the respondent No.1 before proceeding to pass any interim order in the matter.

5. Since, the Appeals are still pending before the respondent No.1 with the aforesaid preliminary objections, specifically raised by the petitioners, this Court is of the opinion that it would be in the interests of justice, if the interim stay granted by this Court on 26th February, 2021, is continued till the disposal of the Appeals by respondent No.1 and appropriate direction for time bound disposal of the Appeals is given.

6. In view of the above, this Writ Petition is disposed of by directing that the interim order dated 26th February, 2021 passed by this Court in the present Writ Petition shall continue to operate till the respondent No.1 decides Appeal Nos.2 to 8 of 2021 pending before it. The respondent No.1 shall dispose of the aforesaid Appeals expeditiously and in any case within a period of four weeks from today.

7. It is further made clear that the respondent No.1 shall first take up the preliminary objections raised by the petitioners while considering the said appeals.

8. Writ Petition stands disposed of in above terms.

9. Pending applications, if any, stand disposed of in view of the disposal of the Writ Petition.

JUDGE