

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8047 OF 2022

AGRICULTURE PRODUCE MARKET COMMITTEE
THROUGH ITS AUTHORIZED SIGNATORY SECRETARY
AND ANOTHER
VERSUS
AUTHORIZED OFFICER JALGAON PEOPLES CO
OPERATIVE BANK LTD AND ANOTHER

....

Mr Patil Vijay Bhalerao, Advocate for petitioners

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 3rd August, 2022

PER COURT:

1. The petitioners have put forth prayer clause (A), which reads as under :-

“[A] By appropriate writ, order or direction in the like nature of writ, may please kindly be direct the Court of Debts Recovery Tribunal at Aurangabad to hear and decide the Securitization Application No.171/2022 alongwith Interim Application No.925/202 in Securitization Application No.171/2022 as earliest.”

2. We have perused the aforesaid applications, details of which are as under :-

(i) Securitization Application No.171/2022 has been filed on 30/04/2022.

(2)

(ii) The Application for Interim Stay No.925/2022 has also been filed on 30/04/2022.

(iii) The interim application No.924/2022 is filed on 04/07/2022.

(iv) This petition has been filed on 21/07/2022.

3. By this petition, the petitioner desires that the High Court should issue a writ of mandamus to the Debt Recovery Tribunal, directing the Judicial Officer to hear these applications out of turn.

4. We are of the view that, when a particular authority declines to exercise powers vested in it by law and delays the matter by its conduct, an aggrieved party may be compelled to knock the doors of the High Court to seek an early hearing. Applications filed in April and in July, without any pleading that the Tribunal is delaying the matter, cannot be heard out of turn only because the petitioner has the capacity to approach the High Court.

5. By this petition, we are of the view that, if the High Court passes such orders, the confidence of such authorities is likely to be undermined.

(3)

6. In view of the above, this petition is dismissed with costs of Rs. 10,000/- (Rs. Ten Thousand), which the petitioner shall deposit in this Court, on or before 25/09/2022. The Registry shall divide the amount equally and transmit the same to the Government Medical College and Hospital, Aurangabad and the Government Cancer Hospital, Aurangabad.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

sjk