

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 CIVIL APPLICATION NO.15254 OF 2022
IN WP/7664/2021

TAJ FOUNDATION AURANGABAD THROUGH ITS SECRETARY ARJUN
NITIN PATIL
VERSUS
PRERNA BAHUHUDDESHIV SANSTHA THROUGH ITS SECRETARY
GANESH ABARAO KALE AND OTHERS

Mr.R.V.Gore, Advocate for the applicant.
Mr.S.G.Karlekar, AGP for respondent No.1.
Mr.S.S.Tope, Advocate for respondent No.4 in Writ petition.
Mr.P.M.Nagargoje, Advocate for the petitioner in writ petition.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 09, 2022

PER COURT :

1. By this civil application, the applicant has prayed for vacating the ex-parte ad-interim order passed by this Court (Coram : S.V.Gangapurwala and R.N.Laddha, JJ.). Paragraph No.2 of the order reads as under :-

"2. Issue notice to the respondents, returnable on 25.08.2021. The learned In-charge G.P. waives service of notice for respondent Nos. 1 to 3. In case, final permission is issued to respondent No.5, the same shall be subject to the decision in the present writ petition."

2. On 13.10.2021, this Court (Coram : S.V. Gangapurwala and R.N.Laddha, JJ.) observed in paragraph No.3 of the order as under :-

"3. In case, final permission is not granted to respondent No.5, then the same shall not be granted till the next date."

3. On 15.12.2021, after hearing the parties, this Court (Coram : S.V.Gangapurwala and S.G.Dige, JJ.) passed the following order :-

"1. It is submitted by respondents that, the petitioner-Institution has been debarred by this Court from applying for permission to start and run the colleges for a period of ten years from the year 2021.

2. In the present matter also the permission pertains to the year 2021-2022.

3. The learned counsel for the petitioner submits that, the said judgment has been assailed before the Apex Court.

4. Be that as it may, the judgment of the coordinate Bench of this Court holds the field, wherein the petitioner is precluded from submitting the proposal for starting new college or even school for period of ten years from 2021.

5. In light of that, the petitioner may not at present possess locus to assail the permission or letter of intent to other colleges.

6. The learned counsel for petitioner seeks time.

7. Stand over to 22.12.2021."

4, It is thus recorded by this Court in the above reproduced order that the petitioner may not at present possess locus to assail the permission or letter of intent to other colleges. The petitioner sought time. This Court did not continue the ex-parte ad-interim relief. Ever since 15.12.2021, there is no continuation of the interim relief and more so in the light of paragraph No.5 of the above reproduced order.

5. Since there is no interim relief in operation, we find that this application is misconstrued and the same is, therefore, disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)