

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1266 OF 2017

Yashwant Tulaji Lakeshri. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

WRIT PETITION NO. 1267 OF 2017

Subhash Tulaji Lakeshri. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

WRIT PETITION NO. 1268 OF 2017

Subhash Tulaji Lakeshri. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

WRIT PETITION NO. 1162 OF 2017

Subhash Tulaji Lakeshri. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

WRIT PETITION NO. 1269 OF 2017

Subhash Tulaji Lakeshri. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

WITH

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WRIT PETITION NO. 1270 OF 2017

Sadanand Hari Saldur.

... Petitioner.

V/s.

The State of Maharashtra and others.

... Respondents.

WITH

WRIT PETITION NO. 11943 OF 2016

Sadanand Hari Saldur and others.

... Petitioner.

V/s.

The State of Maharashtra and others.

... Respondents.

Mr.Vivek V. Salunke for the Petitioners.

Mr.N.K.Rajpurohit, AGP for the State in WP Nos.1266/17, 1269/17, 1270/17 and 11943/16.

Ms.K.N.Solunke, AGP for the State in WP No.1267/17.

Mr.R.S.Pawar, AGP for the State in WP No.1268/17.

Ms.Rupali Shinde, AGP for the State in WP No.1162/17.

Mr.S.P.Kanuga for Respondent No.3 in WP Nos.1162 and 1266/17.

CORAM : **NITIN JAMDAR AND
SHARMILA U. DESHMUKH, JJ.**

DATE : **10 October 2022.**

P.C. :

On 6 September 2022, the following order was passed:

“ When request is made on behalf of the learned Counsel for the Petitioners for adjournment, the learned Counsel for the Respondents opposed contending that the Petitions are simply kept pending and the Respondent – Authority is not proceeding to disburse the amount of compensation.

2. *In Writ Petition No. 11943 of 2016 on 17 October 2016, the following order was passed:-*

“Not on board. Upon mentioning taken on board.

2. Heard the learned counsel for the Petitioner on the question of admission. Issue notice to the Respondents. The learned AGP waives service of notice on behalf of Respondent Nos.1 and 3. Steps of service of notice on Respondent No.3 be taken within two weeks. List the matter as per C.M.I.S. date.

3. Till the next date of hearing there shall be ad interim order in terms of prayer clause (d).”

This order, it appears has continued.

3. *The learned Counsel for the Respondent No.3 states that a civil suit on the same issue is already pending between the parties and it is no necessary again to make a reference. He relies on the orders passed by the Hon’ble Supreme Court and by this Court in the case of Gokul @ Gopal Babu Dawale and Anr. v/s. The Competent Authority and the sub-Divisional Officer and Ors. (Civil Writ Petition No. 8185 of 2018) to contend that in such fact situation it is not necessary that the interim order be continued. As regard the other Petitions on board we are not shown any interim order.*

4. *Having considered the fact that the Petitioners have already filed the civil suit and that the ad-interim relief was granted at the time of production and issuance of notice and that the Respondents are now represented, we do not intend to continue the ad-interim order. However, since the request is made for adjournment on behalf of the personal difficulty of the learned Counsel for the Petitioners, we continue the ad-interim order dated 17 October 2016 for a period of four weeks. Thereafter, it will stand automatically vacated.*

5. *It will be open for the Petitioners to apply for necessary orders in the pending civil proceedings. If such application is made, the concerned Court will consider the same strictly on its own merits without being influenced of grant and pendency of ad-interim relief in this Petition.*

6. As regard the other Petitions are concerned, wherever there is no specific interim order, the Respondent – Authority will proceed as per law.

7. Stand over to 10 October 2022.

3. The learned counsel for the Petitioners state that the Petitioners are not contacting their advocate. In light of the above position and in view of the liberty granted to the Petitioners by the aforesaid order dated 6 September 2022, writ petitions are disposed of.

(SHARMILA U. DESHMUKH, J.)

(NITIN JAMDAR, J.)