

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

907 WRIT PETITION NO.1090 OF 2021

VISHNU NAMDEO SURYAKAR
VERSUS
THE STATE OF MAHARASHTRA AND

...

Advocate for Petitioner : Mr. Irale Patil D.R.
AGP for Respondents/State : Mr. P.S. Patil
Advocate for R/3 & 4 : Mr. P.R. Tandale

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**CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**
DATE : 21st February, 2023

PC. :-

1. On 16.02.2023, we were constrained to pass the following order keeping in view that the Hon'ble Chief Justice of the Bombay High Court had expressed anguish that the order of this Court was not complied with by the Zilla Parishad :

"1. On 11.07.2022, this Court has recorded that the Zilla Parishad would decide the pending matters on the show cause notice within 4 weeks. The statement was accepted. The matter was posted on 10.08.2022 to enable the Zilla Parishad to convey the decision. Thereafter the matter was adjourned on numerous occasions. On 16.11.2022, this Court [Coram : Dipankar Datta, C.J. (as His Lordship then was) and Smt. Vibha Kankanwadi, J.] expressed its anguish

by recording in paragraph Nos.1 and 2 as under: "1. A Coordinate Bench of this Court, in its order dated 11th July, 2022, recorded acceptance of the statement made by the learned advocate for the respondent-Zilla Parishad that the subject matter forming part of the show cause notice issued to the petitioner would be decided within a period of four weeks.

2. We are at pains to note that learned advocate for the Zilla Parishad has not been provided with instructions with regard to the fate of the proceedings arising out of the show cause notice. He seeks some time to return with clear instructions."

2. Even after 3 months of the passing of the above order and after more than 7 months of the first order, the Zilla Parishad has still kept the matter pending. It appears that the CEO is to take the decision and our orders appear to be falling on deaf ears.

3. In view of the above, the CEO, Zilla Parishad, Latur shall remain personally present in the Court on 21.02.2023 to explain as to why the above orders are flouted.

4. Stand over to 21.02.2023 in the "Urgent Orders Category"."

2. Shri Abhinav Goyal, the Chief Executive Officer, Zilla Parishad, Latur has preferred an affidavit in the light of the above, dated 20.02.2023.

Since he was present in the Court we permitted him to address the Court and we realised that the earlier orders of this Court were not even brought to his notice. Though, he has tendered an apology, had we known earlier that the earlier orders of this Court were not communicated to him, we would not have directed him to remain present in the Court. As such, the affidavit is taken on record.

3. It transpires from the affidavit placed on record that a hearing was conducted by the C.E.O. forthwith and an order was also passed on 17.02.2023, as was expected by this Court vide order dated 11.07.2022. In fact, the learned counsel for the Zilla Parishad Shri Tandale, had made a statement to this Court on 11.07.2022 that the matter would be decided within four weeks.

4. The learned advocate for the petitioner submits that the petitioner is not satisfied with the order dated 17.02.2023. Since that is a separate cause of action, we grant liberty to the petitioner to prefer a separate petition and assail the said order independently.

5. This petition is therefore disposed off.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]