

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

915 WRIT PETITION NO.604 OF 2023

**SANDEEP BALASAHEB THORAT AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS**

...

Advocate for Petitioners : Mr. Gadekar Anant D.
AGP for Respondents State: Mr. V. M. Kagne
Advocate for Respondents 5 & 6 : Mr. S. G. Karlekar

CORAM : RAVINDRA V. GHUGE, &
Y. G. KHOBRAGADE, JJ.

DATE : 6th July, 2023

ORDER:

1. Notice was issued to the respondents on 24.01.2023. Respondent No.5 is Executive Engineer, Nandur-Madhmeshwar Irrigation Division, Vaijapur and Respondent No.6 is Sub Divisional Engineer, Nandur-Madhmeshwar Irrigation Sub Division No.8, Gangapur. On 22nd June, 2023, though Respondent Nos. 5 and 6 were served with Court notice, appearance was not entered.

2. Mr. Karlekar, the learned Advocate is on the panel of GMIDC which is respondent Nos. 5 and 6. Hence, on 22.06.2023, we passed the following order:

"1. Respondent Nos.5 and 6 have been served with Court notice. Appearance is not entered either in person or through an advocate.

2. Shri S.G. Karlekar, the learned advocate is on the panel of GMIDC. Considering the above and since notice has been issued a long while ago on 24.01.2023, we direct Shri Karlekar to cause his appearance for Respondent Nos.5 and 6 and take instructions.4. List this petition on 05.07.2023 in the urgent admissions category"

3. Today, the learned Advocate Shri Karlekar placed on record a copy of the communication dated 26.06.2023 addressed to Kayada Sallagar, Godavari Marathwada Patbandhare Vikas Mahamandal (GMIDC) which is issued by respondent No.5. It is stated that Advocate Mr. Vinayak D. Patnurkar has been appointed to represent respondent No.5. The said communication is taken on record and marked 'X' for identification.

4. Today, the learned Advocate Shri Patnurkar has not appeared in the matter.

5. In the above circumstances, as Shri Karlekar is virtually restrained from appearing by Respondent No.5, his appearance is discharged. As the Advocate, entrusted with the matter has not appeared before us, we are constrained to consider the prayer of the petitioner in the absence of respondent Nos.5 and 6.

6. The petitioners prays that the representation dated 03.03.2023 addressed to respondent no.5 be decided expeditiously.

7. In view of the above, this **petition is disposed off** with a direction to Respondent No.5 to consider the representation put up by the petitioner dated 03.03.2022 (page Nos. 15 to 17) by following the due procedure laid down in law.

8. Let this exercise be completed within 90 days from today.

9. We record our dissatisfaction on the conduct of respondent Nos 5 and 6 who have gone unrepresented before us initially after service of notice and thereafter by appointing an advocate who has not appeared before us.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan