



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3933 OF 2022

Pralhad Sambhaji Jadhav

....Petitioner

V/s.

The State of Maharashtra & Ors.

....Respondents

Mr. Dormaan J. Dalal for Petitioner.

Ms. S.S.Bhende, AGP for Respondents-State.

Mr. Akshay Petkar for Respondent No.3

CORAM : K. R. SHRIRAM &
Dr N K Gokhale, JJ.
DATED : 24th AUGUST 2023

PC. :

1 Prayer clause (b) is something which we can consider granting because prayer cause (a) would be more of a fact finding nature. Prayer clause (b) reads as under:

“[B] Alternatively, this Hon'ble Court be pleased to issue a Writ of Mandamus, or Writ in the nature of Mandamus or any appropriate Writ, direction or order under Article 226 of the Constitution of India, 1950 directing the Respondents and more particularly the Respondent no.2 to decide the Petitioner's representation dated 27th December 2018 and 14th March 2022.”

2 No affidavit in reply has been filed as is the practice of the State in almost every matter. Ms. Bhende states that Respondent No.2 shall

decide the representation within such time as the Court would direct after hearing Petitioner as well as Respondent No.3.

3 In view of the statement made by the Assistant Government Pleader, we pass the following order:

ORDER

- (a) The representation of Petitioner dated 27th December 2018 shall be disposed by Respondent No.2 without fail on or before 15th October 2023. We have to note that Respondent No.2 has not taken any steps to dispose the application nor has even filed an affidavit in reply explaining why he/she did not dispose the application. Therefore, Respondent No.2 shall not be given any further extension of time to comply with this direction passed by us.
- (b) Before passing any order Petitioner shall be given a personal hearing. At the time of personal hearing Respondent No.3 shall also be heard. Notice of personal hearing shall be communicated to Petitioner and Respondent No.3 at least five working days in advance.
- (c) The order to be passed shall be a reasoned order and shall be communicated to both Petitioner as well as Respondent No.3.

(d) All rights and contentions of Petitioner and Respondent No.3 are kept open.

(e) We also clarify that we have not made any observation on merits of the matter.

4 Petition disposed.

(Dr N K Gokhale, J.)

(K. R. SHRIRAM, J.)