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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2425 OF 2023
IN
WRIT PETITION NO. 2514 OF 2023**

Smt Surekha Sachin Patil ... Applicant

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Rahul More, for the Applicant.

Ms. S.S.Bhende, AGP, for Respondent No.1.

**CORAM : R. D. DHANUKA AND
GAURI GODSE, JJ.**

DATED : 20 MARCH, 2023

P.C. :-

1. By this Interim Application, the Applicant seeks to recall the order dated 6th March 2023, thereby directing the Respondent No.1 to dispose of the Appeal filed by the Petitioner within a period of four weeks from the assigned date and the order to be communicated to the Applicant(original Petitioner) within a period of one week from the date of decision. This Court also made it clear that in the event, any adverse order is passed against the Petitioner, the order will not be given effect to, for a period of two weeks from the date of communication of such order. It is also made clear by this Court that, in the event, the appeal is not heard on the assigned date, the application filed by the Petitioner for interim stay shall be

heard and decided on the assigned date.

2. Learned Counsel for the Applicant states that the Appeal was scheduled to be heard at 3.00 p.m, on 15th March 2023. The Advocate for the Applicant was present at 3.00 p.m on 15th March 2023. At that time, the concerned officer from the office of the Collector, Raigad, informed the Applicant that the hearing has been cancelled as the learned Minister was busy with the Assembly session. In view of the liberty granted by this Court on 6th March 2023, the Applicant filed an Interim Application inter alia recalling the Order dated 6th March 2023. It is submitted that the Learned Minister, did not hear the Interim Application on the assigned date i.e. 15th March 2023. His apprehension is that, if the Respondent issues election program for the post which was occupied by the Petitioner, the Appeal filed by the Petitioner would become infructuous.

3. The record indicates that the Appeal was kept for hearing on 15th March 2023 at 3:00 p.m. Since the learned Minister was busy with the Assembly session, the matter could not be heard. Statement made in letter dated 15th March 2023 is accepted.

4. Ms Bhende, learned AGP, states that she has instructions to make a statement that the said Appeal would be heard and disposed of within a period of 15 days from today. Statement is accepted.

5. Learned Minister to communicate the date of hearing within 48 hours in advance to the Petitioner. The learned

Minister to dispose of the Appeal within 15 days from today. In the event, any adverse order is passed against the Petitioner, no coercive steps against the Applicant, by declaring the election program shall be taken for a period of two weeks from the date of communication of such order. It is made clear that till the said Appeal is disposed of by the learned Minister and Order is communicated to the Petitioner, the Respondent shall not issue election program on the post occupied by the Petitioner who came to be elected in view of the impugned order which is the subject matter of the said Appeal.

6. Interim Application is disposed of in the aforesaid terms. No orders as to cost. Learned AGP to communicate this order to the learned Minister for information and compliance.

(GAURI GODSE, J.)

(R. D. DHANUKA, J.)