

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 826 OF 2016

Balasaheb Pandharinath Katke and Anr. ..Petitioners

V/s.

The District Collector and Anr. ..Respondents

WITH
INTERIM APPLICATION NO. 1050 OF 2019

Mr. Ritvik Joshi i/b Mankirat Singh Chabra for Petitioners.

Ms. K.N. Solunke, AGP for the Respondent/State.

CORAM : K.R. SHRIRAM AND
M.M.SATHAYE, JJ.

DATE : 08th JUNE 2023

P.C.

1. On 29.08.2019, the following order came to be passed:

1] Heard learned counsel for the parties. Learned AGP prays for some further time to file reply affidavit.

2] We are compelled to record our concern that inspite of Writ Petition having been filed in the year 2016 and amendment having been allowed by this Court (Coram: A.S.Oka & Sandeep K. Shinde, JJ) on 27th November, 2018, no response has been filed by the State till date. Two weeks time as prayed is granted to file reply affidavit.

3] It is made clear that if no affidavit is filed within the time granted, the Collector, Pune shall remain present on the next date to assist the Court and the Court shall

be compelled to proceed with the matter on the basis of averments and record. Stand over to 23rd September, 2019.”

2. On 23.09.2019, the following order came to be passed:

“1] Learned APP prays that the matter may be listed on 30th September, 2019. We once again record our concern that our order dated 29th August, 2019 has not been complied with and no affidavit has been filed and unfortunately the Collector, Pune is also not present. We do not want to take any serious action at this juncture. However, we give another opportunity to the Respondent/State and fix the matter on 30th September, 2019, on which date the Collector, Pune shall remain present to assist the Court.”

3. Ms. Solunke states that an affidavit-in-reply affirmed on 24.09.2019 of one Naval Kishore Ram, District Collector, Pune has been filed.

4. Mr. Joshi states that petitioners have not been served a copy of reply.

5. Ms. Solunke states that during the course of today, a copy of reply with enclosures, if any, duly paginated will be served upon petitioners. Statement accepted as an undertaking to this Court.

6. Mr. Joshi states that two weeks time be given to file rejoinder, if advised. Time granted.

7. Stand over to 06.07.2023.

8. In view of the above, Interim Application No. 1050 of 2019 stand disposed. Respondent No.1 need not remain present unless otherwise ordered.

(M.M.SATHAYE, J.)

(K.R. SHRIRAM, J.)