

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3728 OF 2021

Mahatma Phule Sarvajanik Vachanalay__ Vs. __The State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C.A.Joshi, Advocate for petitioner

Mrs. M.A.Barabde, AGP for respondent nos.1 to 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 13/03/2023

1] Heard Mr. Joshi, learned counsel for the petitioner and Mrs. Barabde, learned AGP for respondents.

2] The petition challenges the order dated 23.1.2019 passed by the respondent no.1 dismissing the appeal against the order dated 31.12.2013 passed by the respondent no.2.

3] It is contended that though after the initial round of litigation, which resulted in this Court by the order dated 25.8.2015 in W.P.No. 3093/2015, remanding the matter back, the inspection report dated 22.2.2016 was received on 22.6.2017 on which date the matter was heard, the order was passed only on 23.1.2019, more than 1½ years after the date of hearing, considering which the same is liable to be quashed and set aside.

4] Learned AGP tries to justify the impugned order, contending that the same does not have any effect on the merits of the matter.

5] The impugned order itself indicates that it has been passed more than 1½ years after the date of hearing. That apart, it does not indicate any consideration of the grounds raised in the appeal. On this count, the impugned order cannot be sustained and is hereby quashed and set aside and the matter is remanded back to the respondent no.1 to decide the same afresh after hearing the parties.

6] The parties shall appear before the respondent no.1 on 27.3.2023 at 11.00 a.m. The respondent no.1 shall thereafter hear the parties and decide the appeal within a period of 30 days from 27.3.2023.

7] The petition is allowed in above terms.
No costs.

JUDGE

Rvjalit

Digitally sign byRAJESH
VASANTRAO JALIT
Location:
Signing Date:14.03.2023 14:48