

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15453 OF 2023

Bhagwat Dnyanoba Doifode

...Petitioner

Versus

State Of Maharashtra,
Revenue & Forest Department,
through Principal Secretary & Ors.

...Respondents

Mr. Shekhar Jagtap a/w. Ms. Sairuchita Chowdhary i/by M/s. J. Shekhar Associates for the Petitioner.

Mr. M. L. Patil for the Respondent No.3.

Mr. V. M. Mali, AGP for the Respondent (State).

CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.

DATE : 29th JANUARY 2024.

P.C. :-

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties

2. The challenge raised in this petition is to the interim order dated 31st August 2023 that has been passed by the Maharashtra Administrative Tribunal (for short "Tribunal") in Original Application No.1130 of 2023. By the said order, the Tribunal proceeded to grant interim relief in favour of the 3rd Respondent. Being aggrieved, the Petitioner who is the Non-Applicant No.2 in the said proceedings has

challenged the said order.

3. We find that on 3rd January 2024, the request made on behalf of the Petitioner for vacating the interim relief was considered and the Tribunal proceeded to fix the proceedings for final hearing with a view to decide the same. For that reason, the matter was posted to 24th January 2024. Thereafter, on 24th January 2024, the proceedings have been adjourned for a period of four weeks.

4. In the facts of the present case, since the writ petition is directed against the interim order passed by the Tribunal on 31st August 2023, the interest of justice would be served by directing the Tribunal to decide the said Original Application on its own merits and in accordance with law in terms of what has been observed in para 7 of the order dated 3rd January 2024. Needless to state that the application filed by the Petitioner challenging maintainability of the Original Application as well as the prayer for vacating the interim relief shall also be decided along with Original Application.

5. Keeping all points raised in this writ petition open, the writ petition is disposed of in the aforesaid terms. Rule accordingly. No costs.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]