

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

VASANT
ANANDRAO
IDHOL

Digitally signed
by VASANT
ANANDRAO
IDHOL
Date:
2024.06.20
18:59:37 +0530

WRIT PETITION NO. 8550 OF 2024

Mukteshwar Vividh Karyakari
Seva Sahakari Society Ltd.

...Petitioner

Versus

State Of Maharashtra Through
Minister And Ors.

...Respondents

....

Mr.G.S. Godbole, Senior Advocate with Mr.Kaustubh Thipsay for
the Petitioner.

Mr.P.P. Kakade, G.P with Smt.V.S. Nimbalkar, AGP for the
Respondent – State.

....

CORAM : AVINASH G. GHAROTE, J.
DATE : 20th JUNE 2024

P.C.:

1. The petition questions the order dated 29.5.2024 passed by the Additional Divisional Commissioner - respondent 2 in appeal filed before him under section 247 of MLR Code, whereby the earlier order of *status-quo* granted on 27.3.2024 came to be vacated.

2. The only grievance of the petitioner is that this was done without hearing the petitioner. Learned Government Pleader (GP) has seen the order sheets of the proceedings

before the Divisional Commissioner and states that the opportunity of hearing was not afforded to the petitioner before vacating the order dated 27.3.2024, for which reason alone the impugned order 29.5.2024 cannot sustain and is hereby quashed and set aside. The matter is remitted back to respondent 2, for decision afresh.

3. Learned GP is agreeable to the proposition that the appeal itself can be decided finally, as the matter is fixed on 15.7.2024 on which date the learned counsel for the petitioner undertakes to address the arguments on merits, considering which the respondent no.2 is directed to hear and decide the appeal finally within a period of four weeks from 15.7.2024.

4. Learned GP further makes a statement that in case anything else other than what is there on record as of now is required to be filled by respondents for consideration of the appeal, advance copy shall be made available to the parties.

(AVINASH G. GHAROTE, J.)