



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3355 OF 2024

SALIM LALANI & ANR.

..PETITIONERS

VS.

VIKAS MARUTI PANSARE

ADDITIONAL COMMISSIONER,

KONKAN DIVISION MUMBAI & ORS.

..RESPONDENTS

Adv. Mayur Khandeparkar a/w. Adv. Rohan Savant i/b. Adv. Laxman Jain for petitioners.

Adv. S. C. Mangle a/w. Adv. Kirankumar Phakade for respondent nos. 2 & 3.

Smt. Uma Palsuledesai, AGP for respondent nos.1 and 4 – State.

CORAM : A. S. CHANDURKAR &
RAJESH S. PATIL, JJ

DATE : 18th September 2024.

P.C. :

1. By this Writ Petition, the petitioners seek a direction to be issued to the respondent no.4 for expeditious consideration of a request made for transfer the proceedings in Appeal No.62 of 2024 as well as any pending Miscellaneous Application that are pending before the respondent no.1 to any other officer of equivalent rank. To substantiate this request, the learned counsel for the petitioners has sought to rely upon earlier proceedings *inter se* between the petitioners and the respondent nos. 2 and 3.

2. It is not necessary to enter into the merits of the respective

contentions. The interest of justice would be served by issuing a direction to the respondent no.4 to consider the petitioners' application dated 18th April 2024 that has been moved seeking transfer of the proceedings in Appeal No.62 of 2024 as well as any pending Miscellaneous Application from the respondent no.1 to any other officer. Accordingly, the following directions are issued:-

(i) The respondent no.4 shall consider the transfer application moved by the petitioners on its own merits in accordance with law after hearing the respondent nos. 2 and 3 herein.

(ii) The parties shall appear before respondent no.4 on 25th September 2024. The decision on the said transfer application as well as any pending Miscellaneous Application be taken within a period of ten days from that date.

(iii) Needless to state that any party aggrieved by the aforesaid decision, is free to challenge the same in accordance with law.

(iv) Till the time the transfer application is decided and for a period of one week thereafter, Appeal No.62 of 2024 as well as any pending Miscellaneous Application shall not be finally decided by the respondent no.4. It is, however, clarified that this direction is without prejudice to the rights and contentions of either parties.

- 3.** The Writ Petition is disposed of in aforesaid terms.
- 4.** Parties to act on an authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]