



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.13304 OF 2024

IN

WRIT PETITION NO.5129 OF 2018

WITH

WRIT PETITION NO.5129 OF 2018

Pandarinath Gopal Tandel

...Applicant/Petitioner

Versus

The Rehabilitation Officer

CIDCO, Thane & Ors.

...Respondents

Ms. Priyanka R. Singh h/f. Mr. Jitendra M. Pathade for the Applicant/
Petitioner.

Mr. Aditya R. Deolekar, AGP for the Respondent-State.

Mr. Aniruddha A. Garge for Respondent No.6-NMMC.

Mr. G. S. Hegde, Senior Counsel a/w Ms. P. M. Bhansali for the
Respondent-CIDCO

CORAM : M. S. Sonak &
Jitendra Jain, JJ.

DATED: 30 April 2025

PC.:-

1. Heard Ms. Singh, who holds for Mr. Pathade for the Applicant-
Petitioner, Mr. Deolekar, learned AGP appears for the State, Mr. Hegde,
learned Senior Counsel for CIDCO, and Mr. Garge appears for
Respondent No.6-NMMC.

2. After hearing the matter for some time on 21 February 2025,
we made the following order:-

*"1. Mr. Hegde, the learned Senior Advocate for the CIDCO, on
instructions, states that the Petitioner's application for
regularization was rejected some time in 2016. He states that there
is no provision to entertain the representations after regularization
application is already rejected.*

2. *At this stage, the learned counsel for the Petitioner states that no rejection of Petitioner's application for regularization has been communicated to the Petitioner till date.*
3. *Accordingly, it will be appropriate if the CIDCO files an affidavit placing on record the order of rejection of regularization and proof of its communication. Further, the CIDCO should also address the Petitioner's allegations that in the same locality almost 15 out of 16 stalls of BMTC's employees have been regularized.*
4. *Mr. Hegde states that such an affidavit will be filed and served by 07 March 2025.*
5. *List the matter on 13 March 2025, to be shown High on Board.*
6. *The protection granted by our order dated 17 February 2025 to continue till the next date.*
7. *The learned counsel for the Petitioner states that the 15 regularized stalls are in Sector 2, CBD Belapur, near Maruti Mandir. He states that he has any further details, he will furnish the same to the learned counsel for the CIDCO within seven days. He states that he will, in any event, give the photographs of the regularized structures to the learned counsel for the CIDCO in next seven days. If we find that the Petitioner is delaying the matter, then we will consider vacating the ad-interim order granted."*

3. Today, Ms. Singh, on instructions from her senior, states that they are withdrawing their Vakalatnama on behalf of the Applicant-Petitioner. In response to the court's query, she stated that the Applicant-Petitioner has been notified of today's hearing.

4. Accordingly, we called out the Petitioner's name, but the Petitioner was absent.

5. This is a matter where Mr. Hegde, learned senior counsel for CIDCO, has submitted that the Petitioner's application for regularisation was rejected in 2016. CIDCO has filed the order of rejection, and a categorical statement has been made in the affidavit regarding this communication. The affidavit also explains the status of the regularisation of the other 15 stalls.

6. In the above circumstances, we vacate the ad-interim order.

7. To grant the Petitioner an additional opportunity, we place the matter on 7 May 2025 for “directions”. We request Ms. Singh or her senior Mr. Pathade to inform the Petitioner once again about the next date and record the notice along with proof of service. Accordingly, we expect Ms. Singh or Mr. Pathade to appear on 7 May 2025 along with a notice and proof of service.

8. If the Petitioner does not appear despite all the above efforts, we will consider whether this petition deserves to be dismissed. The Interim Application is disposed of.

(Jitendra Jain, J.)

(M. S. Sonak, J.)