

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14587 OF 2024

Mallesh Vitthal Haldekar ...Petitioner
Versus
The State of Maharashtra and ors. ...Respondents

Mr. Purushottam G. Chavan with Mr. Sachin S. Padaye and Mr. Sahil Pandire, for the Petitioner.
Ms. Sonali Pawar i/by Mr. Sandeep Dere, for the Respondents Nos.3 and 4.
Mr. V. G. Badgujar, AGP, for the State.

CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.

DATED: 06th OCTOBER, 2025.

PC:-

1. Heard Mr. Purushottam G. Chavan, learned counsel for the Petitioner. Also heard Mr. V. G. Badgujar, learned AGP for the State and Ms. Sonali Pawar, learned counsel for the Respondents Nos.3 and 4. None has appeared for the Respondent No.2.

2. The order dated 23rd August, 2023 passed by the learned Maharashtra Administrative Tribunal (**MAT**), Mumbai in Original Application No. 1071 of 2023 instituted by the Respondents Nos.3 and 4, as original Applicants, directing the official Respondents not to take any action against them till the next date i.e. 24th August, 2024, is under challenge in the present Writ

Petition contending that the original Application itself is not maintainable in the eyes of law. As per the submissions made at the Bar, the interim order dated 23rd August, 2023 was subsequently extended for further period beyond 24th August, 2024, by the learned Tribunal.

3. Having heard the submissions of the learned counsel for the parties and after going through the materials available on record, we are of the view that since the Original Application is still pending before the learned Tribunal, since the Petitioner has already filed an affidavit questioning the maintainability of the Original Application on 9th January, 2024 and the same is pending considering due to want of reply from the original Applicants, without expressing any opinion on the merits of the plea raised in the Writ Petition and in any manner interfering with the impugned order, we dispose of the Writ Petition with a request to the learned Tribunal to consider the plea of maintainability of the Original Application, as expeditiously as possible, preferably within three months from the date of receipt of the copy of this order, and pass appropriate order therein.

4. The original Applicants would be at liberty to file reply to such affidavit of the Writ Petitioner before the learned Tribunal within four weeks from today, if so advised.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)

The order is corrected pursuant to speaking to the minutes of the order dated 16th October, 2025.