



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6005 OF 2025

Rafique Munir Shaikh

...Petitioner

Versus

The State of Maharashtra through
Its Secretary & Ors.

...Respondents

Mr. Muttahar Khan a/w Kavisha Shah and Prathmesh Bhosale i/b India Law
Alliance, for the Petitioner.

Mrs. S. D. Vyas, Addl. G.P. a/w Ms. Savita A. Prabhune, AGP for the State -
Respondent.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE: 08 MAY 2025

P.C.

1. We had heard this petition yesterday (i.e. 07 May 2025) when we adjourned the proceedings today to enable the learned Additional Government Pleader to take instructions and more particularly, considering the fact that in passing the impugned order, the respondent/authority has acted in brazen breach of our order dated 21 February 2025 passed on the earlier Writ Petition filed by the petitioner.
2. Today, Ms. Vyas, learned Additional Government Pleader has tendered an affidavit of Mr. Bharat Kalaskar – Additional Transport Commissioner, Mumbai tendering an unconditional apology on behalf the respondents in passing the impugned order stating that the impugned order dated 16 April 2025 is being withdrawn by the respondents and a fresh hearing would be granted to the

petitioners and an order in accordance with law shall be passed in terms of what was observed by this Court in the earlier order.

3. We permit the petitioner to file additional documents, if they he so desires which shall also be taken into consideration by the authority in passing the orders. In this view of the matter, we accept the affidavit and the apology as tendered therein.

4. We are thus inclined to dispose of this petition in terms of the following order:

ORDER

(i) The impugned order dated 16 April 2025 is quashed and set aside on being withdrawn by the respondents.

(ii) The respondents shall grant to the petitioner an opportunity of being heard along with any fresh material which they intend to produce and pass an order on the petitioner's case in accordance with law and in terms of the observations/directions of this Court as contained in the order dated 21 February 2025 passed on Writ Petition No. 2397 of 2025 as expeditiously as possible and in any event before 30 May 2025.

(iii) All contentions of the parties in that regard are expressly kept open.

(iv) The petition stands disposed of. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)