



PRS

The Maharashtra High Court (Hearing of Writ Petitions by Division Bench
and Abolition of Letters Patent Appeals) Act, 1986

Act 17 of 1986

Keyword(s):

High Court, Petition, Division Bench, Writ Petitions, Abolition, Letters Patent Appeals

Amendment appended: 27 of 2008

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



1986 : Mah. XVII]

10559

**THE MAHARASHTRA HIGH COURT (HEARING OF WRIT PETITIONS
BY DIVISION BENCH AND ABOLITION OF LETTERS PATENT
APPEALS) ACT, 1986**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Writ Petitions, etc. in the High Court to be heard by Division Bench.
3. Abolition of appeal from judgement or order of single Judge of High Court made in exercise of original or appellate jurisdiction.

MAHARASHTRA ACT No. XVII OF 1986.¹

[THE MAHARASHTRA HIGH COURT (HEARING OF WRIT PETITIONS BY DIVISION BENCH AND ABOLITION OF LETTERS PATENT APPEALS) ACT, 1986.]

(This Act received the assent of the President on the 21st February 1986; assent first published in the *Maharashtra Government Gazette* on the 28th February 1986.)

An Act to provide for hearing of Writ Petitions by Division Bench and for abolition of Letters Patent Appeals in the High Court of Judicature at Bombay.

WHEREAS, it is expedient to provide for hearing of writ petitions by Division Bench and for abolition of Letters Patent Appeals in the High Court of Judicature at Bombay; It is hereby enacted in the Thirty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. Notwithstanding anything contained in any law for the time being in force or in any instrument having the force of law, every application for the issue of any direction, order or writ under Article 226 of the Constitution of India and every application invoking the jurisdiction of the High Court under Article 227 or Article 228 of the Constitution of India, pending before the High Court of Judicature at Bombay, on the date of commencement of this Act, or filed on or after the said date, whether the matter in dispute is or has arisen in Greater Bombay or outside Greater Bombay, shall be heard and disposed of by a Division Bench to be appointed by the Chief Justice of the High Court:

Writ petitions, etc. in the High Court to be heard by Division Bench.

Provided that, the High Court may, by rules made after previous publication and with the previous approval of the State Government, prescribe that such of the applications referred to above, arising in Greater Bombay or outside Greater Bombay, as may be specified in the rules, may be heard and disposed of by a single Judge appointed by the Chief Justice.

3. (1) Notwithstanding anything contained in the Letters Patent for the High Court of Judicature at Bombay, dated the 28th December 1865 and in any other instrument having the force of law or in any other law for the time being in force, no appeal, arising from a suit or other proceeding (including the applications referred to in section 2) instituted or commenced, whether before or after the commencement of this Act, shall lie to the High Court from a judgement, decree or order of a single Judge of the High Court made on or after the commencement of this Act, whether in the exercise of the original or appellate jurisdiction of the High Court.

Abolition of appeal from judgement or order of single Judge of High Court made in exercise of original or appellate jurisdiction.

(2) Notwithstanding anything contained in sub-section (1), all such appeals pending before the High Court, on the date immediately preceding the date of commencement of this Act, shall be continued and disposed of by that Court, as if this Act had not been passed.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1986, Part V Extraordinary, pp. 41-42.



असा. क्र. ६२

रजिस्टर्ड नं. एमएच/एमआर/साऊथ-२२९/२००६-०८



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

मंगळवार, ऑक्टोबर १४, २००८/आश्विन २२, शके १९३०

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008 (Mah. XXVII of 2008), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXVII OF 2008.

(First published, after having received the assent of the President, in the "Maharashtra Government Gazette", on the 14th October 2008).

An Act further to amend the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986.

WHEREAS it is expedient to amend the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986, for the purposes hereinafter appearing ; it is hereby enacted in the Fifty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008.

Short title
and com-
mencement.



(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2
of Mah. XVII
of 1986.

2. In section 2 of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) Act, 1986 (hereinafter referred to as "the principal Act"), in the proviso, the words "and with the previous approval of the State Government" shall be deleted and shall be deemed to have been deleted with effect from the 1st July 1987.

Mah.
XVII of
1986.

Amendment
of section 3
of Mah. XVII
of 1986.

3. In section 3 of the principal Act, —

(a) in sub-section (1), for the words, brackets and figure "arising from a suit or other proceeding (including the applications referred to in section 2) instituted or commenced," the words and figure "arising from the applications referred to in section 2 or an appeal under any statute instituted or commenced," shall be substituted ;

(b) to sub-section (1), the following proviso shall be added, namely :—

" Provided that, the judgement or orders passed by the High Court during the period commencing from the 1st July 1987 and ending on the date of commencement of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008, in any appeal against judgement or order passed by a single Judge in any such application or appeal, shall be deemed to have been validly passed and shall not be called in question in any court on the ground that no appeal was provided against such judgement or order of a single Judge. ";

Mah.
XXVII
of 2008.

(c) in sub-section (2), for the words " commencement of this Act " the words, brackets and figures " commencement of the Maharashtra High Court (Hearing of Writ Petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008 " shall be substituted.

Mah.
XXVII
of 2008.