

The Maharashtra High Court (Hearing Of Writ Petitions By Division Bench And Abolition Of Letters Patent Appeals) Act, 1986

MAHARASHTRA

India

The Maharashtra High Court (Hearing Of Writ Petitions By Division Bench And Abolition Of Letters Patent Appeals) Act, 1986

Act 17 of 1986

- Published in Gazette 17 on 11 April 2017
- Assented to on 11 April 2017
- Commenced on 11 April 2017
- [This is the version of this document from 11 April 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra High Court (Hearing Of Writ Petitions By Division Bench And Abolition Of Letters Patent Appeals) Act, 1986(ACT NO. XVII OF 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.

1. Short title and commencement.-

(1)This Act may be called the Maharashtra High Court (Hearing of Writ Petitions by the Division Bench and Abolition of Letters Patent Appeals) Act, 1986.(2)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Writ Petitions, etc, in the High Court to be heard by Division Bench.-

Notwithstanding anything contained in any law for the time being in force or in any instrument have 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. Provided that, the High Court may, by rules made after previous publication prescribed that such of that application 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. Abolition of appeal from judgment or order of single Judge of High Court made in exercise of original or appellate jurisdiction:-

(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 the applications referred to in section 2 or an appeal under any statute instituted or commenced, whether before or after the commencement of this act, shall lie to the High Court from a Judgment, decree or order of a single Judge of the High Court made or after the commencement of this Act, whether in the exercise of the original or appellate Jurisdiction of the High Court. Provided that, the judgment 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, (Mah. XXVII of 2008) in any appeal against judgment 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 judgment or order of a Single Judge. (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 the Maharashtra High Court (Hearing of writ petitions by Division Bench and Abolition of Letters Patent Appeals) (Amendment) Act, 2008 shall be continued and disposed of by that Court, as if this Act had been not been passed.