

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

[Text as on 30th January 2025]

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1. Amended by Mah. 27 of 2008 (18-03-2013)¹

¹ This Act come into force on the 18th March 2013, by G.N., L&JD, No. CCS. 1005/918/CR-15/2005) ID-XIX, dated the 11th March 2013.

MAHARASHTRA ACT No. XVII of 1986¹

[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 of the 21st March 1986; assent was first published in the *Maharashtra Government Gazette*, Extraordinary No. 19, Part IV, 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. Short title and commencement.— (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.

(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 having the force of law, every application for the issue any 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, of 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 of by a single Judge by the Chief Justice of the High Court:

Provided that, the High Court may, by rules made after previous publication ²[***], 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. Abolition of appeal from judgment or order of single Judge of High Court made in exercise or original or appellate jurisdiction.— (1) Notwithstanding anything contained in the Letters Patent for 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, ³[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 form 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.

⁴[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 (Mah. XXVII of 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 validity passed and shall not be called in

¹ For Statement of Objects and Reasons of the L. C. Bill No. II of 1986, see *Maharashtra Government Gazette*, 1986, Extraordinary No. 10, Part V, dated the 13th February 1986, pages 41-42.

² These words “and with the previous approval of the State Government” were be deleted and shall be deemed to have been deleted *with effect from* the 1st July 1987, by Mah. 27 of 2008, s. 2.

³ These words were substituted for the words, brackets and figure “arising from a suit or other proceeding (including the applications referred to in section (2) instituted or commenced,” were substituted by Mah. 27 of 2008, s. 3(a).

⁴ This proviso was added by Mah. 27 of 2008, s. 3(b).

question in any Court on the ground that no appeal was provided against such judgement 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 ¹[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),] shall be continued and disposed of by that court, as if this Act had not been passed.

¹ These words, brackets and figures were substituted for the words “commencement of this Act” by Mah. 27 of 2008, s. 3(c).