

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Writ Petition No.283 of 2015

Mahendra Bhaurao Shastrakar -Vrs.- State of Mah. & another.

AND

Criminal Writ Petition No.284 of 2015

Ms. Vijaya Nitin H. Naukariya -Vrs.- State of Mah. & another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.D. Sirpurkar, counsel for petitioner in both petitions.

Shri Mirza, APP for respondents in both petitions.

CORAM : A.B.CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATED : 29th APRIL, 2015

This court had on 27th March, 2015 made an order for release of Smt. Asha Ram Umale upon depositing an amount of Rs.1,00,000/- out of the amount of Rs.4,00,000/- that was quantified by the respondents. Accordingly, on the said date on deposit of Rs.1,00,000/- the said lady was released.

Learned APP Shri Mirza vehemently contended that the tax due to the State from the cable operators will have to be recovered and the arrest and detention in civil prison will have to be made as per Section 9 of the Maharashtra Entertainment Duty Act and Section 183 and 184 of the Maharashtra Land Revenue Code.

Shri Sirpurkar, the learned counsel for the petitioners contended that the cable operators have put their

defence before the Collector and the proceedings in the matter for adjudication about the entertainment duty are going on, which statement is not disputed by Mr. Mirza, the learned APP.

In our opinion, since the detenue was released by this court and since at the same time the Collector is entitle to receive all the taxes or entertainment duty, the Collector should be allowed to adjudicate and decide the exact liability of the cable operators. But then the fact that duty is to be recovered cannot be ignored. We also find no fault with the action of the Collector in ordering detention which was subject matter of the present writ petitions but then since we have ordered release of the detenue, we think there is no need for us to make an order of detention at this stage, particularly when the Collector is in seisin of the matter. We, therefore, think the following order would serve the interest of justice.

Order.

1. Criminal Writ Petition Nos. 283/2015 and 284/2015 are disposed of.
2. The Collector shall decide the proceedings regarding the entertainment duty pending before him as expeditiously as possible and in any case within 8 weeks from today, after hearing all the concerned cable operators.
3. In case the entertainment duty is found due against the cable operators and the same is not paid, looking to the

above provisions of law, we grant liberty to the Collector to take recourse to the provisions regarding the detention, if he thinks proper in accordance with law.

JUDGE

JUDGE

Hirekhan