

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7310 OF 2017

Sheetal Narayan Purnale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

with

**WRIT PETITION NO. 7317 OF 2017
WRIT PETITION NO. 7320 OF 2017
WRIT PETITION NO. 7332 OF 2017
WRIT PETITION NO. 7379 OF 2017
WRIT PETITION NO. 7378 OF 2017
WRIT PETITION NO. 7216 OF 2017
WRIT PETITION NO. 7222 OF 2017
WRIT PETITION NO. 7223 OF 2017
WRIT PETITION NO. 7233 OF 2017
WRIT PETITION NO. 7236 OF 2017
WRIT PETITION NO. 7243 OF 2017
WRIT PETITION NO. 7274 OF 2017
WRIT PETITION NO. 7300 OF 2017
WRIT PETITION NO. 7307 OF 2017**

Mr. Pankaj A. Bharat, Advocate for the petitioners in all writ petitions.
Mr. Mrs. A.V. Gondhalekar, AGP for respondent/State.

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

**DATE OF RESERVING THE ORDER : 04.09.2017
DATE OF PRONOUNCING THE ORDER : 12.09.2017**

ORDER :-

. The learned Advocate for the petitioners in all these matters has moved this praecipe for speaking to the minutes of the order dated 07.07.2017 passed by the Division Bench of which one of us was a Member (Mangesh S. Patil, J.) by which order the petitions were disposed of as withdrawn. The order reads as under:

“1. Learned counsel for petitioners, on instructions, seeks leave to withdraw the Petitions.

2. *Leave granted.*

3. *Writ Petitions are disposed of as withdrawn.”*

2. According to the learned Advocate for the petitioners, he had merely requested the Court to dispose of these writ petitions, in view of the order, by which the writ petition no. 5182 of 2017 along with other connected matters were dismissed on merits, meaning thereby that even these writ petitions were requested to be dismissed having been covered by that judgment which was also passed on the same day i.e. 07.07.2017. However, inadvertently instead of dismissing these writ petitions in view of the judgment passed in writ petition no. 5182 of 2017, the above order was passed. Hence it needs to be corrected

accordingly.

3. The learned A.G.P. opposed the preacipe and has submitted that these writ petitions have been correctly disposed of as withdrawn.

4. It is necessary to note that it is a matter of record that in pursuance of the judgment and order dated 15.12.2016 passed by the Supreme Court in Civil Appeal Nos. 12164-12167 of 2016 arising out of S.L.P. (C) Nos. 14911-14913 of 2013 in the matter of State of Tamil Nadu V/s. K. Balu and another, the Collector, Ahmednagar District by the order impugned in these writ petitions dated 30.03.2017 directed not to renew the liquor licenses of shops which are covered by the directions of the Supreme Court. It is also a matter of record that by the order dated 07.07.2017, a similar writ petition bearing no. 5182 of 2017 was dismissed on merits.

5. However, as the order passed in these writ petitions reveals, it is only on the basis of the submissions of the learned Advocate for the petitioners, on instructions, leave to withdraw the petitions was granted. The record also reveals that the order was uploaded on the Case Management Information System (C.M.I.S.) of the High Court on 12.07.2017 at 11.08 a.m. It is apparent that the petitioners must have

been well aware that their matters were disposed of as withdrawn, on their instructions. The impugned order of withdrawal of the petitions has been passed by observing that the Court was doing so on the submission of the learned Advocate for the petitioners. Therefore, we are of the view that the order clearly depicts as to what must have transpired before the Court. Being a matter of record it should be regarded as conclusive. There is no material whatsoever to dislodge the conclusive presumption.

6. True it is that the listing dates in the Case Management Information System (C.M.I.S.) erroneously mentions that in spite of the order of disposal having been passed on 07.07.2017, a further date appeared on 24.07.2017 and some order passed in other matters has been uploaded in the information / case status of these matters. But that is apparently an error. The order passed in some other matters has been uploaded by concerned Stenographer. Under what circumstances such error has occurred is a matter which may have to be inquired into but the fact remains that the order sought to be corrected was duly uploaded on the website on 12.07.2017 itself. Therefore, the petitioners cannot seek the benefit of such an error.

7. It is also surprisingly to note that the present praecipe has

been filed on 31.08.2017 belatedly when the order has been uploaded on 12.07.2017. In the normal course a party would have taken urgent steps had these been a mistake as is sought to be pointed out. This is yet another circumstance which dissuades us from acceding to the request.

8. Under the circumstances, we find no substance in the request for speaking to the minutes and accordingly reject the praecipe.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]