

Amk

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1184 OF 2018

Shivaji s/o. Murlidhar Pansare .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. A. M. Saraogi for the Petitioner.
Mr. Amol B. Kharat i/b Pillai & Co. for the Respondent Nos.3 to 5.
Mr. L. T. Satelkar, AGP for the State.

**CORAM : A. A. SAYED &
RAVINDRA V. GHUGE, JJ.**
DATE : 16th APRIL, 2018.

P. C. :

1. By this Petition, the Petitioner has sought the following reliefs:

“(a) this Hon'ble Court to issue appropriate writ, order and directions directing transfer of appeal/revision No. 132 of 2018 pending to the file of Respondent No.2 to any officer within the State of Maharashtra on such terms as this Hon'ble Court may deem fit and proper in the matter;

(b) praying that pending the hearing and final disposal of the present writ petition, all further steps in respect of hearing of the appeal/revision No.132 of 2018 pending to the file of Respondent No.2 hereinabove be stayed on such terms as this Hon'ble Court may deem fit and proper in the matter;

(c) Interim and ad-interim reliefs in terms as prayed for in clause (b) hereinabove be granted;

(d) Any other and further reliefs as the nature and circumstances of the case may require be granted;”

2. It is an admitted position that the Petitioner had earlier filed a Writ Petition being Writ Petition (L) No. 3609 of 2017. On 13.03.2018 in the

said Writ Petition (L) No. 3609 of 2017 the following order was passed:

“On the request of the learned Counsel for the Petitioner, the Petition is allowed to be withdrawn with liberty to file appropriate proceedings as permissible in law and as may be advised.”

3. We have perused the Petition. We find that there is an averment in paragraph 33 to the effect that on 13.03.2018 the Court was of the view that the Petitioner is at liberty to file a private complaint. We perused the copy of the order dated 13.03.2018 in Writ Petition (L) No. 3609 of 2017 which was not annexed to the Petition. We find that no such view is expressed by the Court and the aforesaid order dated 13.03.2018 speaks for itself.

4. We find that allegations are made against the Divisional Joint Registrar Mr. M. A. Arif, however, said Mr. M. A. Arif has not been made party in his individual capacity. In the morning session, when the matter was called out, it was sought to be suggested that the order was signed by the Divisional Joint Registrar on 31.03.2017, however the said order was made available to the Respondent Nos.3 to 5 one day prior to that i.e. on 30.03.2017. In the afternoon session when the matter was called out, it is contended that though the order dated 31.03.2017 was signed in the evening of 31.03.2017, it was made available to the Respondent Nos.3 to 5 in the morning. We prima facie find that such allegations are made only to avoid a hearing before a particular Authority and it amounts to forum shopping. Hence we decline the prayer of the Petitioner for transfer of the matter to some other officer. In the event the Petitioner is aggrieved if the

final order is adverse to him, it is always open to him to carry the matter further. It is noticed that the allegations were made against the Divisional Joint Registrar in the earlier Petition also.

5. Having regard to the facts and circumstances, we dismiss the Petition with costs quantified at Rs.10,000/- to be paid by the Petitioner to the High Court Legal Services Authority within four weeks from today.

6. Though the Petition is dismissed, we direct the office to list the Petition for compliance on 02.05.2018.

7. Learned Counsel for the Petitioner prays that hearing which is scheduled on 19.04.2018 by Divisional Joint Registrar be deferred. The request is rejected.

[RAVINDRA V. GHUGE, J.]

[A. A. SAYED, J.]