

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

WRIT PETITION NO. 4192 OF 2016

(Mr. Sachin s/o Ramesh Gupta vs. State of Maharashtra thr. Collector, Wardha & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 15, 2018.**

Heard Shri Rajnish Vyas with Shri S.B. Tiwari,
learned counsel for the petitioner and Ms. A.R. Kulkarni,
learned AGP for the respondents.

2. The petitioner, a licensed stockist and vendor of
sand, did not submit necessary returns and hence at the
stage of renewal, his request has been rejected.

3. The learned counsel submits that the petitioner
was not given any notice before rejecting the request and
was not given an opportunity to explain the circumstances.

4. It is not the case of the petitioner that he was not
aware of requirement of submission of returns. It is not his
case that he has filed the return and a false excuse has been
used to refuse his request.

5. Though, the petition has been filed and violation
of principles of natural justice has been alleged, the
petitioner even before this Court has not given any reason
which disabled him from submitting the return within time.
Even after receipt of adverse orders, the petitioner has not
submitted the return.

6. The facts show that on the basis of total stocks of sand available in Wardha district, the authorities have found every possibility of abuse and misuse and hence have refused the renewal and have not granted license to the petitioner.

7. We do not see any jurisdictional error or perversity. The only insistence of grant of an opportunity in this situation cannot be of any assistance as principles of natural justice are not meant to be an empty formality. If the argument of the petitioner is accepted, on the basis of only technicality, he can succeed in further violations.

8. Writ Petition is, therefore, dismissed. However, there shall be no order as to costs.

JUDGE

JUDGE

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