

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

**1097 WRIT PETITION NO.10213 OF 2019
WITH
CIVIL APPLICATION NO.31338 OF 2019
IN
WRIT PETITION NO.10213 OF 2019**

M/S PIPADA MOTORS THRO ITS PARTNER ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Satyajit S. Bora, Advocate for the Petitioner.
Mr. P. M. Kulkarni, AGP for Respondents-State.

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**CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.**

DATED : 27th SEPTEMBER, 2019.

PER COURT:-

1. It is clarified by the learned Advocate for the petitioner and the learned A.G.P. that the showroom of the petitioner was not sealed. It was only the service center that was sealed.

2. Mr. Bora, learned counsel for the petitioner submits that after the order was passed by the Sub Divisional Magistrate and the revision dismissed by the Sessions Court, the petitioner has obtained clearance from the Maharashtra Pollution Control Board. The petitioner has complied with each and every requirements. The petitioner has

got letter of consent from the Pollution Board to operate up to 2023.

3. Considering the aforesaid, we direct the Sub Divisional Magistrate to reconsider the action taken by it. The petitioner may produce all the necessary documents and the compliances from the different statutory bodies with Sub Divisional Magistrate. The Sub Divisional Magistrate upon hearing the petitioner and interested parties shall decide about the grievance of the petitioner of de-sealing the service center. The original complainants have filed intervention application. The petitioner and the intervenor shall appear before the Sub Divisional Magistrate on 05.10.2019. The Sub Divisional Magistrate shall hear both the parties, consider the documents that would be placed before him and take decision afresh preferably within 15 days from the date of appearance of the parties.

4. As date has been given by this Court, it will not be necessary for the Sub Divisional Magistrate to issue notices while deciding the matter afresh. The impugned order would not be impediment.

5. According to the petitioner, four vehicles of the customers are in the service station for servicing. The petitioner is allowed to proceed

with the servicing of the four vehicles which are lying in the service center and deliver it to the customers. It is made clear that until further orders of the Sub Divisional Magistrate, petitioner shall not accept any vehicle in the service center.

6. Writ Petition is disposed of. No costs.

7. In view of disposal of writ petition, present civil application stand disposed of.

(ANIL S. KILOR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE