

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

CIVIL APPLICATION (CAW) NO.2403 OF 2019

IN

WRIT PETITION NO.6116 OF 2017

Sarnath S/o. Shivaji Rokade.

Vs.

State of Maharashtra Through Collector (Stamps) and 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. A. Marathe, Advocate for applicant.

Shri S. Bissa, Assistant Government Pleader for non-applicants.

CORAM : A. S. CHANDURKAR, J.

DATE : DECEMBER 12, 2019.

1. By this application the applicant – petitioner prays that the order passed on 18.08.2017 by the Collector of Stamps cancelling the license that was issued to the petitioner for sale of stamps bearing Nos.27/2001 and 28/2001 be provisionally restored till adjudication of the criminal proceeding initiated against the applicant. According to the applicant the orders cancelling those licenses are the subject matter to challenge in the writ petition and the same has been admitted. These licenses were cancelled on the ground that First Information Report No.326 dated 27.06.2017 was registered against the applicant under provisions of Section 295-A of the Indian Penal Code. According to the applicant there is no progress in the criminal proceedings and as the livelihood of the petitioner depends upon sale of stamps, the licenses be directed to be restored provisionally subject to outcome of the criminal proceedings.

2. Shri S. Bissa, learned Assistant Government Pleader for respondents on instructions submits that the charge-sheet in the proceedings is yet to be filed but it is likely to be filed shortly. He submits that by giving proper reasons the impugned order has been passed and therefore there is no reason to provisionally restore that license.

3. The license issued to the petitioner came to be cancelled on 18.08.2017 in view of the fact that an offence came to be registered against the petitioner under Section 295-A of the Indian Penal Code. On the recommendation of the Collector the said license has been cancelled. The provisions of the Bombay Stamps Supply and Sale Rules, 1934 empower the State Government or the Authority granting such license to revoke the same at any time. In the present case the registration of office against the applicant is the basis for revocation of that license. The facts of the case indicate that the first information report was lodged on 27.06.2017 and till date there has been no progress in the said matter. It is seen that the license in question was issued in the year 2001 and there are no prior complaints of any nature against the petitioner. Since it is found that completion of the criminal proceedings may takes some more time and the fact that the applicant is dependant upon the sale of stamps as a mode of his livelihood, he can be permitted to provisionally operate that license subject to outcome of the criminal proceedings.

4. Accordingly the non-applicants shall permit the applicant to operate license Nos.27/2001 and 28/2001 provisionally subject to outcome of the criminal proceedings. The

applicant shall furnish an undertaking to the non-applicant no.1 that he shall not indulge in any illegal activity during this period. Subject to these directions the Civil Application is disposed of.

JUDGE

Sarkate