

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

WRIT PETITION NO.7940 OF 2019

(Arun s/o Prabhakar Rao Navghare and another ..vs.. District Magistrate, Nagpur and others)

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

Court's or Judge's orders

Shri I.G. Meshram, Advocate for the petitioners,
Shri N.R. Patil, AGP for respondent Nos.1 to 3 and 7.

**CORAM : SUNIL B. SHUKRE AND
ROHIT B. DEO, JJ.**

DATED : 03-12-2019

Heard learned Advocate for the petitioners and learned Assistant Government Pleader appearing for respondent Nos.1 to 3 and 7 by waiving notice. We do not think it appropriate to issue any notice to the remaining respondents. The reason being that this petition can be disposed of by just clarifying the legal position obtaining in the matter.

2. By the order passed on 30-5-2019 in Writ Petition No.3759/2019, this Court stayed the order passed by the Additional Collector on 18-2-2019 until next date by imposing certain conditions. The relevant condition related to petitioners' depositing an amount of Rs.5,00,000/- till 03-6-2019 and also amount of Rs.20,00,000/- within two months from the date of the order. Later on, by the order passed on 03-7-2019, Writ Petition No.3759/2017 came to be dismissed on the ground that alternate remedy was available to the

petitioners. With the dismissal of the Writ Petition No.3759/2019, what happened was merger of the order dated 30-5-2019 in final order of dismissal passed on 03-7-2019 thereby indicating that no order was in existence that amounted to be complied with by the petitioners. As such, we clarify that whenever any application is filed before the Debts Recovery Tribunal seeking urgent relief by the petitioners, the Debts Recovery Tribunal would have to decide the same on its own merits and in accordance with law without being influenced by what happened before this Court or when the interim directions were given by this Court in Writ Petition No.3759/2019. With this clarification, the petition is dismissed. No costs.

JUDGE

JUDGE

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