

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

WRIT PETITION NO. 4332 OF 2021

M/s Shree Krishna Ginning and Pressing, Nagpur through its Partner Shri Atul
Prabhakar Talatule,
..VS..
State of Maharashtra, & Ors.,

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

Court's or Judge's orders

Shri R. K. Joshi, Advocate for petitioner.
Shri D. P. Thakare, Addl.G.P for respondent Nos.1 to 3.

CORAM : SUNIL B. SHUKRE AND
ANIL L. PANSARE, JJ.

DATED : 27.10.2021

1. Heard learned counsel for the petitioner.
2. Circulation of this petition was sought today in the morning contending that there was extreme urgency in this case. Considering the submissions made across the bar, urgent circulation was granted and this is how we have called out this petition at 01.20 pm. today.
3. This petition challenges the auction notice dated 21.09.2021. Learned counsel for the petitioner, on query made by this Court, informs the Court that this notice was published on 22nd September 2021. That means the petitioner had a time of more than one month to question this auction notice, but, the petitioner did not challenge it and it is only when the auction is being held today that the petitioner is before this Court challenging

the auction notice. There is no proper explanation given in the petition for this delay.

5. Learned counsel for the petitioner submits that the auction notice is invalid in law as it does not fix any reserve price. He also submits that an objection in this regard was raised with the Collector as well as the Tahsildar and the petitioner was pursuing this matter with both these authorities. When we asked for the copy of the objection, our attention was drawn to page No.75. We have gone through the document at page No.75. It is an objection taken by the petitioner on the auction notice dated 21st September, 2021.

6. Learned counsel for the petitioner further submits that the petitioner, after publication of the auction notice dated 22nd September 2021, had been pursuing his objection with the Collector and the Tahsildar. But, the document at page No.75 belies his contention. This document shows that the objection was of the date of 21st October, 2021 and it was filed on same day in the office of Collector, Wardha and it was filed on 25th October, 2021 in the office of Tahsildar. So, from 22nd September, 2021 till 21st October, 2021, the petitioner did not raise any objection and it is only at the time when the auction was going on that the petitioner has chosen to challenge the auction notice by filing this petition and that too, by giving an explanation which is against the own record created by the petitioner. It appears to us that there is something more than what meets the eye in this case,

and we do not want to elaborate any further on this count, to cut the matter short. Suffice it to say that the petition cannot be entertained by this Court, though the petitioner would have the liberty to take recourse to alternate remedy if any. The petition stands summarily **dismissed**. No costs.

JUDGE

JUDGE

Kirtak