

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

CRI. WRIT PETITION NO. 97 OF 2022

Alim Patel Wahid Patel

-- Petitioner/s

Vs.

The Divisional Commissioner and others

-- Respondent/s

Mr. S. V. Sirpurkar, Advocate for Petitioner.

Ms. Ketki Joshi, I/c. GP for Respondents.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 16 FEBRUARY 2022

P. C. :

Heard learned counsel for the Petitioner.

2. By this petition, the learned counsel for the Petitioner has challenged the order of vacating the interim order passed in appeal filed by the Petitioner under Section 60 of the Maharashtra Police Act, 1951. The learned counsel for the Petitioner contends that having granted an interim order and it was vacated on the ground that there is a breach of one of the conditions, the Petitioner ought to have been given a hearing and opportunity to explain.

3. The Government Pleader states that interim relief is not a matter of right and it is because of the breach of the condition stipulated in the interim order, the same is vacated. The hearing of the appeal originally scheduled on 09 March 2022 and in light thereof, the Petitioner is asking for restoration of the interim order.

4. Having considered the facts and circumstances and that the reasons why the interim order was vacated and whether the Petitioner conducted himself in such manner that would prejudice the indulgence granted would require adjudication, we are of the opinion that the appeal itself should be taken up for early hearing. The learned Government Pleader on instructions states that the appeal will be taken up on 21 February 2022 and the Petitioner will appear before the Commissioner on that date.

5. In view of the above, we dispose of this writ petition by directing the Commissioner to pass the order in appeal within a period of two weeks after the hearing is completed, subject to other earlier time-bound directions.

6. Writ Petition is disposed of as above.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]