

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

WRIT PETITION NO. 1414 OF 2010

(Madhav s/o Maroti Kakde ..vs.. State of Maharashtra and another)

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

Court's or Judge's orders

Mr. A.R. Deshpande, Counsel for the petitioner,
Mr. S.M. Ukey, Addl.G.P. for respondent 1,
None for respondent 2.

CORAM : ROHIT B. DEO, J.

DATED : 12-01-2022

None appeared on behalf of the petitioner on the last date of hearing and this Court passed the following order ;

“None present for the parties.

2. Subject to deposit of costs of Rs. 3,000/- (Rupees Three Thousand) each by the petitioners in both the petitions with the High Court Legal Services Sub-Committee, Nagpur, stand over to 12-1-2022 as a last chance.”

2. Today, the learned Counsel Mr. A. R. Deshpande appears and he states that costs shall be deposited during the course of day.

3. The statement is accepted.

4. The Registry shall accept the deposit of the costs amount.

5. Adverting to the pleadings, the petitioner is challenging the order dated 29-8-2009 rendered by the Hon'ble Minister, whereby the revision preferred by the petitioner against the order of the Appellate Authority cancelling the Fair Price Shop authorization is set aside and instead the petitioner is directed to pay penalty of Rs. 10,000/- (Rupees Ten Thousand).

6. It appears that as a fact, indulgence is shown to the petitioner and while the irregularities appear to be *prima facie* serious, he is let-off with penalty.

7. Be that as it may, while the petition is preferred in February 2010, till date, the only order placed on record is the order of the Hon'ble Minister. Neither the order initially rendered by the District Supply Officer nor the appellate order dated 20-5-2009 rendered by the Deputy Commissioner (Supply), Amravati Division, Amravati is placed on record.

8. Notably, while the petitioner does make a reference to the complaint of the villagers on the basis of which he was proceeded against, the copy of the complaint is also not on record.

9. I am satisfied that the petition is an abuse of process of law.

10. The petition is dismissed with costs of Rs.

10,000/- (Rupees Ten Thousand) to be deposited with the High Court Legal Services Sub-Committee, Nagpur, within next seven days.

11. If the costs is not deposited within next seven days, the Registrar (Judicial) of this Court shall initiate appropriate the proceedings against the petitioner.

JUDGE

adgokar