

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

WRIT PETITION NO. 6552/2022

Shri Hariramji Atmaramji Varkhade and Ors. .vs. The State of Maharashtra
through its Secretary, Department of Cooperation and Textile, Mumbai and anr.

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

Court's or Judge's orders

Mr. Shantanu Ghate, Advocate for petitioners.
Mr. N. S. Rao, A.G.P for respondent nos.1 and 2.

CORAM : SUNIL B. SHUKRE & ANIL L. PANSARE, JJ.
DATE : 18.10.2022

Heard Mr. Ghate, learned counsel for the petitioners and Mr. Rao, learned A.G.P, who appears for the respondent no.1-State, by waiving notice.

2. The first prayer clause is not pressed, being vague. The second prayer clause is about granting relief that in case, in the proceeding initiated upon the show cause notice dated 23.09.2022, any adverse order is passed against the petitioners, the same shall not be given effect for a period of six weeks from the date of the communication of such an order, so as to enable the petitioners to prefer an appeal before the appellate authority. The third prayer is about granting an ad interim ex parte relief in terms of the second prayer clause. The fourth prayer is about granting any other suitable relief.

3. All these reliefs, as claimed in this petition, are basically depending upon the contingency of happening of an event which is adverse to the interest of the petitioners. But, that contingency has not yet arrived. Secondly, there is also a statutory remedy of filing an appeal before the State Government against the adverse order, if any, passed in the proceedings initiated upon the show cause notice dated 23.09.2022.

4. As such, the petition which relies upon only a contingency which is yet to take place, has to be termed as a petition based on no cause of action. Therefore, the petition stands disposed of. No order as to costs.

(Anil L. Pansare, J.)

(Sunil B. Shukre, J.)

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