

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.10779 OF 2023

**POONAM VISHWAS SINGH
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS**

...

Advocate for Petitioner : Mr. S. R. Bagul
AGP for Respondents State: Mr. P. K. Lakhotiya,
Advocate for Respondent No.2 : Mr. A. B. Dhongade

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 27th September, 2023

ORDER:

1. The learned Advocate for the Petitioner places on record a communication dated 23.09.2023 alongwith a chart of instalments (two pages) addressed to the Petitioner by the Divisional Controller, MSRTC, Nanded. The same is marked as 'X-1' for identification. The learned Advocate for the Petitioner submits in the light of 'X', that the MSRTC has permitted the Petitioner to pay the outstanding dues in six instalments. The first instalment of Rs.5,73,270/- is already paid. The second instalment of Rs.4,45,902/- is due on 05.11.2023. The same amounts by way of third to sixth installments are set out in the chart.

2. Considering the facts and circumstances of this case, we find that the Petitioner's case is covered by the view taken by this Court vide

judgment dated 20.06.2023 in Writ Petition No. 681 of 2023 (**Ram S/o Baburao Haral Vs. State of Maharashtra and others**).

3. In view of the above and with the consent of the MSRTC, **this Petition is partly allowed**. Subject to the compliance of the provisions of the Maharashtra Shops and Establishment Act and the rules framed thereunder, the Petitioner would be permitted to operate the ST Canteen between 11.00 p.m. to 4.00 a.m.

4. Needless to state, if there is any serious offence registered against the Petitioner with regard to the operation of the Canteen, the said issue is left open for the authorities to be dealt with.

5. **The Petition is disposed off.**

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan