

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 472 OF 2023**

Dasarathan Murugesan Mudaliyar

.. Petitioner

Versus

State of Maharashtra and Ors.

.. Respondents

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- Mr. Jitendra Gautam for Petitioner
 - Mr. P. G. Sawant, AGP for Respondent - State
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CORAM : MILIND N. JADHAV, J.**DATE : JANUARY 23, 2023.****P.C.:**

1. Mr. Gautam, learned Advocate for Petitioner would submit that the Sub Divisional Officer (“S.D.O.”), Thane has passed order dated 05.01.2023 which was received by them only today when they checked the board online. Mr. Gautam submitted that on 19.01.2023 the Petitioner had moved this Court for urgent relief and the Court considering the application had placed the matter High on Board today. He would submit that between Friday and today the reasoned impugned order dated 05.01.2023 was uploaded on the website and the Petitioner learnt about it only today morning. He has placed copy of the reasoned order before me which shows the date of 05.01.2023. He would submit that the order passed by S.D.O. has been passed after more than 60 days after hearing the parties and seizure of the vehicle

and in the last 60 days the vehicle has remained idle.

2. Be that as it may, the reasoned order dated 05.01.2023 will have to be challenged by the Petitioner in statutory Appeal. Petitioner is permitted to file the statutory Appeal alongwith stay application and any other interim application. At the request of Mr. Gautam the present Writ Petition is allowed to be withdrawn with liberty to file a fresh Petition if the need arises. However, there is another aspect which needs to be addressed in such matters. On the application of Mr. Gautam today it is seen that though the order dated 05.01.2023 in Clause-3 of the operative part states that it needs to be uploaded on the date on which the same is passed, Mr. Gautam has submitted that the said order dated 05.01.2023 was not uploaded on the said date. He submitted that he filed the Writ Petition on 19.12.2022. He submitted that he gathered knowledge of passing of the order only today morning from the website. Further, the order has not been communicated to the Petitioner. That apart, Mr. Sawant, learned AGP for Respondent is unable to assist the Court about the reasons as to why the said order was not uploaded on 05.01.2023, if it was passed on that date.

3. Mr. Avinash Shinde, S.D.O, Thane who has passed the said order shall remain present in Court at 10:30 a.m. on 24.01.2023 and explain to the Court the reason as to why the order dated 05.01.2023

was not uploaded on 05.01.2023 itself. He shall also bring proof of uploading of the said order and submit it before the Court. Mr.Sawant, learned AGP for Respondent shall convey this order to the Collector, Thane for effective compliance by the concerned S.D.O.

4. Writ Petition is disposed. However it shall be kept on **24th January, 2023** for compliance.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

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by SONALI
SATISH KILAJE
Date: 2023.01.24
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