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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.413 OF 2009

Manoj Singh ...Petitioner
V/s.
The Commissioner of Small Saving &
Lotteries, Government of Maharashtra & Ors. ...Respondents

Mr.R.D. Soni i/b M/s.Ram & Co. for the Petitioner.

Ms.Jyoti Chavan, AGP for Respondent Nos.1 to 4.

CORAM : G.S. KULKARNI &
RAJESH .S. PATIL, JJ.
DATE : 9TH JUNE, 2023.

P.C. :-

1. Heard Mr.Soni, the learned counsel for the Petitioner and Ms.Chavan, the learned AGP for Respondent Nos.1 to 4.
2. This Petition is filed praying following substantive reliefs which read thus :-

“(a) That this Hon'ble Court be pleased to issue a Writ of Certiorari or any other appropriate writ, order or direction in the nature of writ of certiorari thereby quashing and setting aside the impugned enactment being Maharashtra Tax on Lotteries Act, 2006 (Mah.Act No.XLIII of 2006) being ultra virus and violative of the provisions of the Constitution of India.

(b) That pending the hearing and final disposal of the present petition, the implementation, execution and effect of the impugned enactment viz. The Maharashtra Tax on

Lotteries Act, 2006 (Mah.Act. No.XLIII of 2006) be stayed and same may not be acted upon.”

3. Our attention has been invited by Mr.Soni to the orders passed in Writ Petition No.854 of 2007 in the case of ***Sri Mangal Murty Marketing vs. State of Maharashtra & Ors.*** along with batch of petitions, which was decided on 14th August, 2009. The challenge as raised in the present petition thus stands concluded in view of the judgment in ***Sri Mangal Murty Marketing*** (supra).

4. We accordingly dispose of this Petition as infructuous in view of the decision in ***Sri Mangal Murty Marketing*** (supra). No costs.

5. At this stage, we are informed that the proceedings against the said decision of this Court are pending before the Hon'ble Supreme Court in Petition No.7279 of 2009.

(RAJESH S. PATIL, J.)

(G.S. KULKARNI, J.)