

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 613 OF 2023

(Santosh s/o Mahadeorao Madavi Vs. The Divisional Commissioner, Nagpur Division, Nagpur & Ors.)

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

Court's or Judge's order

Mohd. Ateeque, Advocate for the petitioner.
Shri S.M. Ghodeswar, Assistant Government Pleader for respondent Nos. 1 and 2/
State.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 24, 2023

Considering the short issue involved, notice on respondent No.3 is dispensed with.

The No Objection Certificate dated 27/9/2006 that was granted to the petitioner for storage of explosives has been cancelled on 2/1/2023 by the District Magistrate/ Collector, Wardha. Being aggrieved by that order, the petitioner has filed an appeal under Rule 121 of the Explosives Rules, 2008. Along with that appeal, the petitioner has filed an application for grant of stay. It is submitted by the learned Counsel for the petitioner that though notice has been issued in this appeal, the stay application is yet to be considered. Since the District Magistrate has cancelled the No Objection Certificate and the petitioner has stored explosives in the light of the No Objection Certificate granted earlier, the stay application ought to be expeditiously decided.

Accordingly, the Writ Petition is disposed of by directing respondent No.1 – Divisional Commissioner to consider the petitioner's stay application and after giving him due opportunity pass an order thereon in accordance with law. The learned Assistant Government Pleader to communicate this order to respondent No.1. The order on the stay application be passed by the Divisional Commissioner within a period of ten days from today.

An authenticated copy of this order be supplied to the learned Counsel for the parties.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT