

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 766 OF 2024

Dnyaneshwar Sadashiv Babar And Others

VERSUS

The State Of Maharashtra Through Principal Secretary And Others

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Advocate for the Petitioners : Mr. Humbe Vilas M.

AGP for Respondent/State : Mr. A.S. Shinde

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CORAM : S.G. MEHARE, J.

DATED : JANUARY 18, 2024

PER COURT:-

1. Heard learned counsel for the petitioners and learned AGP for respondent nos.1 to 6 – State.
2. The learned AGP states that the matter for filing the written statement is listed on 23.01.2024. Therefore, this writ petition is premature. The Sub-Divisional Officer passed interim order of stay to the impugned order till filing reply.
3. Learned counsel for the petitioners would submit that the moment the reply is filed, the stay would be vacated. He has specifically submitted that the Sub-Divisional Officer expressed in the open Court that he would not extend the stay. Hence, he seeks the direction to the Sub-Divisional Officer to continue the stay.
4. Granting stay is not a rule, it is a discretion of the Court. It depends on the facts and circumstances of the case. It seems that

the petitioners have anticipated the acts of the Sub-Divisional Officer which he allegedly expressed. Every authority has to pass the order in writing. A remedy is available to the petitioners to apply for extension of stay before the same authority. There is substance in the submission of the learned AGP that the petition is premature. Hence, for these reasons, the petition stands dismissed at the admission stage with cost of Rs.5,000/- to be paid to the Aurangabad District Court Bar Association Library.

5. The petitioners are directed to produce the receipt of the cost deposited with the Aurangabad District Court Bar Association Library before the Registrar (Judicial) of this Court within a week from today.

(S.G. MEHARE, J.)