

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2925 OF 2024

Sayyad Musadikh Atikhasahab Sayyad

VERSUS

The State Of Maharashtra Through Principal Secretary And Others

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Advocate for the Petitioner : Mr. Shirrurkar Kishor T.

AGP for Respondents/State : Mrs. M.L. Sangit

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CORAM : S.G. MEHARE, J.

DATED : MAY 06, 2024

PER COURT:-

1. The retired Additional Collector appeared before the Court who did not follow the order of this Court. He filed an affidavit in reply submitting an explanation that he orally informed the petitioner to deposit 25% of the penalty if he wish to get his vehicle released. On the other hand, he seeks an unconditional apology. Though the explanation has been given and it has been tried to convince the Court that he did commit no mistake in following the Courts direction, his explanation is not acceptable. However, his unconditional apology is accepted.

2. Heard learned counsel for the petitioner.

3. The petitioner had impugned the order of the Collector dated 18.12.2023 by which he had remitted the matter to the Sub-Divisional Officer for fresh consideration. The petitioner filed the writ petition on 23.02.2024. Thereafter, first time the matter was placed

on 04.04.2024. On that day, leave was granted to the petitioner to amend the prayer clause and then the matter was listed for hearing on 18.04.2024. On 18.04.2024, considering the submissions this Court passed a detailed order and called the then Additional Collector who did not obey the order of this Court. He appeared today and sought unconditional apology, which has been accepted.

4. However, the learned AGP submits that the Sub-Divisional Officer had decided the matter on merit on 05.03.2024 in view of the impugned order dated 18.12.2023. She has produced the copy of the order of the Sub-Divisional Officer dated 05.03.2024. The matter did not rest here. She also produced the order of the Additional Collector dated 26.04.2024 in which the petitioner has impugned the order of the Sub-Divisional Officer dated 05.03.2024. When these facts were brought to the notice of the learned counsel for the petitioner, he submits that the order dated 05.03.2024 of the Sub-Divisional Officer was never communicated to him. This writ petition was filed in the month of February itself.

5. The submission of the learned counsel for the petitioner that order dated 05.03.2024 was not communicated to him is falsified by the observations of the Additional Collector recorded in his decision dated 26.04.2024. The Additional Collector has also decided the issue directing the concern to release the vehicle within seven days.

6. The conduct of the petitioner seems that he was knocking the doors of the Court wherever possible by suppressing the fact. He made a misleading statement on 18.04.2024. Believing the learned counsel for the petitioner, the Court had passed a detailed order. Now, the facts come to the light that the petitioner was well knowing about the order dated 05.03.2024 and the appeal/revision preferred against that order. The purpose of the petitioner appears to have fulfilled by order dated 26.04.2024. However, he must suffer for his misleading statement made before the Court and securing the orders from Court. For such conduct and to maintain the dignity of the Court, cost must be imposed upon the petitioner. Nothing remained in the writ petition. Hence, the writ petition stands dismissed with exemplary cost of Rs.25,000/- to be paid to Aurangabad High Court dispensary/clinic to purchase the machines useful to all within two weeks from today.

7. If the cost is not paid, the vehicle of the petitioner should not be released or it should be recovered as per the existing rules.

(S.G. MEHARE, J.)