



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6951 OF 2023

KISAN VINAYAK AMBIRKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

...
Advocate for the Petitioners : Mr. Ganesh J. Kore
AGP for Respondents No.1 to 4 : Mr. N. B. Patil
Advocate for Respondent No.5 : Mr. Rahul D. Khadap
...

CORAM : S. G. MEHARE, J.

DATE : 23-04-2024

PER COURT :-

1. Learned counsel for the petitioners submits that on the first day after removing office objections, the petitioners had moved an application before respondent No.2 for hearing the application for stay. However, he did not entertain him. Hence, he approached this Court. There are vague pleadings alleging that respondent No.2 did not hear him upon the stay application. No date and time is mentioned and the so-called application filed for hearing on stay application has also not been attached with.

2. Learned counsel for the petitioners submits that the counsel appearing for respondent No.2 had moved an application for hearing stay application. The petitioners are directed to produce the copy of that application by 3.00 p.m.

3. Respondent No.2 filed their affidavits-in-reply. They are taken on record.

4. Learned counsel for the petitioners, on instructions, submits that through the application for urgent hearing was moved before the respondent No.2, there is nothing on record to show that any such prayer was made.

5. Learned A.G.P. has filed affidavit-in-reply of both the then and present Divisional Registrar. He submits that after presenting the appeal on 28.04.2023, the scrutiny was done on 12.05.2023. There were objections. Hence, notice was issued to the appellants/petitioners on 18.05.2023 calling upon them to remove office objections. On 22.05.2023, the objections were removed and then notices were issued, returnable on 03.07.2023. He submitted necessary papers. The letter dated 22.05.2023 bears the signature of the Advocate for the petitioners. It has been contended in view of the said letter he has removed office objections and the appeal be admitted.

6. Before the next date, the petitioners rushed to this Court on 30.06.2023 alleging against respondent No.2 that the petitioners requested to respondent No.2 to issue notices to the parties and decide the stay application. However, respondent No.2 did not hear the stay application. This is an absolute incorrect false, frivolous and misleading statement. Nothing happened as such,

but as a practice to rush to the High Court for nothing may be a crop of someone's brain. The serious and false allegations have been levelled against respondent No.2 and they were forced to appear before the Court, creating a picture that respondent No.2 did not entertain the petitioners. The petitioners have secured an order dated 22.06.2022 and since then, it was continued. It is a very casual and irresponsible approach of the petitioners making a false allegations against the Officers, who are not at all responsible for the alleged inaction. There is nothing on record to show that respondent No.2 ever denied to hear the petitioners' stay application. Such a false petition must be deprecated. Unfortunately, to say, the lawyers appearing for them also not a making a responsible statement and taking appropriate instructions while drafting the petition. Unfortunately, they are approaching the Court of law, barely with the false case to defame the Officers of the State. There is nothing as such in the matter. Therefore, the matter is liable to be dismissed with heavy costs.

7. The writ petition stands dismissed with cost.

8. Two officers were asked to appear before this Court on the false and frivolous statement of the petitioners. Therefore, the petitioners are directed to pay the costs of Rs.25,000/- (Rs. Twenty Five Thousands) each to the said Officers. Costs be paid within four weeks from today.

9. The officers appearing in the Court shall furnish the details of bank account numbers, bank name and branch for depositing the amount of costs to the petitioners. If the compliance as aforesaid is not done, they should intimate the learned A.G.P.

(S. G. MEHARE)
JUDGE

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