

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

CONC No. 333 of 2023

(BANK OF MAHARASHTRA AND OTHERS Vs SHRI AVINASH LAVANYA AND OTHERS)

Dated : 13-12-2024

Shri Abhijit Chakrabarti Thakur - advocate for petitioners.

Shri Abhijeet Awasthy - Dy. Advocate General for respondent/State.

By order dated 03.12.2024, this Court noticing that the subject premises i.e. Commercial building containing ground + 3 + basement at Plat No.E-5/17, Vithal Market Arera Colony Bhopal had been sealed by the Tehsildar permitted M/s Smriti Associates to approach the District Excise Officer as well as the concerned Tehsildar to remove the excisable articles likely liquor from the premises. This Court further directed that on such a permission being granted by the District Excise Officer, the Tehsildar shall de-seal the premises and permit M/s Smriti Associations to remove the articles from the said premises and removal of articles shall be only after obtaining requisite permission from the District Excise Officer and under the supervision of the Officers of the Excise Department as well as concerned Tehsildar.

A complaint was received from the petitioner/Bank, that the Tehsildar had not only de-sealed the premises but had permitted the liquor vend to operate from the said premises.

Notice was issued to the Tehsildar to be personally present. The Tehsildar, namely, Kunal Raut is personally present before this Court. He states that a letter dated 05.12.2024 was received from the Assistant District Excise Officer stating that there was a loss to the exchequer of Rs.10,00,000/- (Rupees Ten lakhs) per day and accordingly, on 05.12.2024, he passed an order noticing the order passed

by this Court and permitted the liquor vend to operate from the said shop for the period of 10 days.

We are informed that the liquor vend has now been sealed by the Collector. The action of the Tehsildar, *prima-facie*, appears to be in contempt of the order of this Court dated 03.12.2024. Accordingly, show-cause notice is issued to the Tehsildar to show-cause as to why proceedings under the Contempt of Courts Act be not initiated against him.

Let the reply be filed within two weeks.

The Tehsildar shall be personally present in Court on the next date of hearing.

We are informed that the premises has now been vacated and possession is with the Tehsildar. Consequently, the Tehsildar shall comply with the order dated 03.12.2024.

We note that in order dated 03.12.2024 in page-1 at paragraph-3, it has been erroneously mentioned that notice be issued to Official Liquidator for M/s Smriti Associates whereas notice was to be issued to the Official Liquidator for M/s Shrimati Jewellery House Private Ltd.. The order dated 03.12.2024 is hereby corrected.

Notice shall now be issued to the Official Liquidator for M/s Shrimati Jewellery House Private Ltd. Returnable on 07.01.2025.

List for consideration on 07.01.2025.

(SANJEEV SACHDEVA)
JUDGE

(VINAY SARAF)
JUDGE

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