

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

WRIT PETITION NO. 5672 OF 2015

Deva Narayan Gaud	...	Petitioner
vs		
The State of Maharashtra and ors.	...	Respondents

WITH
WRIT PETITION NO. 5673 OF 2015

Deva Narayan Gaud	...	Petitioner
vs		
The State of Maharashtra and ors.	...	Respondents

Mr. Anil H. Kasliwal, Advocate for petitioner
Mr. S.P. Daund Assistant Govt. Pleader for respondents

CORAM : SUNIL P. DESHMUKH, J.
DATE : 3RD JULY, 2015

ORDER

1. Heard learned counsel for the parties.
2. Learned counsel for the petitioner, vehemently submits that the order impugned ex-facie is bad in law, for, law ordains that the licence can be cancelled only by the licencing authority and not by any other authority. He further submits that the entire case being put up against his client is bogus or there is no contemporaneous or corresponding evidence as can be seen from annexure R-1 collectively at pages 44 onwards of the reply affidavit.
3. Mr. Kasliwal tries to support his case, by submitting that while report is made in January, 2015, action is purportedly being taken in May, 2015. He submits that visit book of the petitioner indicates that no visit by authority concerned had taken place on 2-1-2015.

4. As against that, learned Assistant Government Pleader submits that the authorities had on 2-1-2015 had drawn sample by following due procedure and that the order has been passed after sanction of the Collector. He further submits that the other allegations relate to the facts, veracity of which respondents are not in a position to accept. It is being submitted impugned order is appellable.

5. In view of involvement of disputed questions of facts and alternate remedy being available to the petitioner though learned counsel for the petitioner places reliance on *Union of India vs Tania Constructions Pvt. Ltd, reported in 2011 ALL SCR 1149*, I do not think it appropriate to entertain writ petitions as alternate remedy is stated to be available.

6. Writ petitions as such are disposed of with liberty to the petitioner to avail remedy as may be available in law.

7. If any remedy is prosecuted by the petitioner, the concerned authority to deal with it as expeditiously. It is desired that since the period of licence is soon to expire, the matter may be dealt with giving priority.

8. Parties to act on authenticated copy of the order.

SUNIL P. DESHMUKH, J.

pnd