

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

WRIT PETITION NO. 7569 OF 2015

Smt. Rajabai Vitthalrao Chakkawar
& others

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.P. Latange, advocate for petitioners.
Mr. S.G. Karlekar, AGP for the State.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 10th AUGUST, 2015

PER COURT :

1. Petitioners contend that they have resolved the dispute interse between the parties in respect of grant of authorization to operate CL-III shop. Affidavit-in-reply has been presented on behalf of respondent-State and, in paragraphs 10, 11 and 12 of the reply, it is recorded thus :

10. I say and submit that, considering the fact that, the petitioners have now tendered a compromise deed along with affidavit, stating therein that the dispute amongst them is resolved, this petition may kindly be disposed off in terms of the compromise deed subject to certain conditions, which are necessary and which are enumerated hereinafter in this affidavit.

11. I say an submit that since the CL-III license in question has not been renewed for a period in excess of one year, the same would now be required to be placed before the State Government for approval along with recommendation from the Commissioner, State Excise Department, Mumbai. A copy of circular dated 13.2.2012 requiring such approval from the State Government is annexed herewith and marked as EXHIBIT-R-1.

12. I say and submit that, the CL-III license in question earlier stood in the name of Petitioner No. 1 alone and therefore, after receiving approval from the State Government, the same would have to be first renewed in the name of Petitioner No. 1 alone. I further say and submit that, after such renewal in the name of Petitioner No. 1, thereafter the names of all the Petitioners can be incorporated in the license of CL-III in question on submission of partnership deed by the Petitioners.

2. In view of assurance given by the State in the affidavit-in-reply as referred to above, the grievance raised by petitioners in the instant petition stands redressed. It would be open for the State Government to take steps as enumerated in paragraphs 10, 11 and 12 of the reply and, order passed by learned Single Judge of this Court in Writ Petition no. 9538/2011 with Writ Petition No. 6854/2009 dated 03.02.2012, shall not be an impediment and it would be open for the State Government to take appropriate decision in the matter. Writ petition stands disposed of.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb