

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 8448 OF 2015

Hotel Palkhi International,
Akashwani Road, Sindhi Colony,
Jalgaon, District Jalgaon,
Through its Proprietor,
Shri Suresh Hukumatrai Jadhavani,
Age 48 years, Occ. Business,
R/o. Plot No.1, Gayatri Nagar, Jalgaon,
District Jalgaon.

... PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary for
Home Department,
Mantralaya, Mumbai.
2. The Divisional Commissioner,
Nashik Division, Nashik.
3. The Collector, Jalgaon,
District Jalgaon.

... RESPONDENTS

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Mr. V.D.Hon, Advocate i/b Mr. Ashwin V. Hon, Senior Advocate for the
Petitioner.

Mr. S.K.Tambe, AGP for the Respondents.

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CORAM : **SUNIL P. DESHMUKH, J.**
DATE : 19th August, 2015.

ORAL JUDGMENT:

1 Rule. Rule made returnable forthwith. Heard the learned counsel for the parties, by consent, finally.

2 The Petitioner is before this Court against an order passed on 7th August, 2015, which reads as under:

“Heard learned advocate for applicant. Stay application is rejected. Next hearing date 31/8/2015.”

3 He submits that order on the face of it shows that it is non-speaking and without application of mind to the application for interim relief and thus is unsustainable in facts and in law.

4 Mr. Hon, learned Senior Counsel vehemently submits that the Petitioner has constructed a hotel raising a huge loan from financial institutions and had been running it smoothly until a claimed/alleged untoward incident had taken place. Independent criminal proceedings are going on in respect of the same. According to learned counsel, a business, which had been running otherwise legally and smoothly, its running has been sought to be interrupted under the impugned order which is the subject matter of appeal

pending before the authority. The learned counsel points out that as a matter of fact, earlier on a writ petition bearing No.6599 of 2015, against the order directing stalling the business or rather cancelling the relevant licences had been before this Court. However, upon an objection with regard to an alternate efficacious remedy being raised, the Petitioner had approached the Appellate Authority and had sought interim relief. An elaborate application has been filed for interim relief, however, it resulted into an order which has been referred hereinabove by this Court. He submits that except the solitary incident, there is absolutely no complaint and the action taken about the cancellation of the licences, is harsh and disproportionate even looking to the nature of allegations especially when those do not relate to the licences concerned. He further submits that he is absolutely not responsible for the incident alleged to have been occurred. He, therefore, earnestly requests for interim relief during the pendency of the appeal.

5 Mr.Tambe, learned AGP however, submits that if the Petitioner is aggrieved by the order being non-speaking then the situation can be resolved by directing the Authority to pass an appropriate speaking order on the stay application filed by the

Petitioner.

6 Impugned order does not make any reference to facts and contentions. In view of aforesaid, the impugned order stands quashed and set aside. The application for interim relief filed by the present Petitioner stands restored to its original position. The Authority before which the appeal is pending, shall decide the stay application afresh and pass an appropriate order. The said exercise desirable to be carried out by 31st August, 2015.

7 With these observations, the writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]

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