

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

WP NO.7550 of 2013

919 WRIT PETITION NO. 7550 OF 2013

Tukaram s/o Sakharam Sherkar,
Age 42 years,
r/o. Waghunde (Bk), Tq. Parner,
District Ahmednagar.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
Sports and Cultural Department,
Maharashtra State, Mantralaya,
Mumbai.

AND TWO OTHERS.

...respondents.

...
Advocate for Petitioner : Mr.Patil N.P. Jamalpurkar
AGP for Respondent State: Mrs.A.V.Gondhalekar

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: June 16, 2015

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PER COURT :-

1. Learned Additional Government Pleader appearing for the State has pointed out that the order issued by the District Magistrate, refusing to grant license for operating a Kala Kendra is appealable, in view of provisions of third proviso to Section 33 of the Bombay Police Act, to the State Government, or any other designated authority appointed by the State. In view of this, learned Counsel appearing for the petitioner, on instructions, seeks

agp/-

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leave to withdraw the petition with liberty to avail of alternate remedy available under the Act.

2. If the petitioner presents an appeal to the State Government within a period of four weeks from today, we direct the respondent State to take decision on such appeal on its own merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of appeal.

3. Considering pendency of the matter before this Court, the respondent State is directed to deal with the appeal on its own merits, and if the State Government receives the appeal within a period of four weeks, as directed by us, shall treat the same as having been filed within the prescribed period of limitation.

4. The writ petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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