

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.5702 OF 2015**

**Rajan Vishnu Talekar**

**.. Petitioner**

**Versus**

**The Collector of Ratnagiri and others**

**.. Respondents**

**Ms. Veena Thadani, for the Petitioner.**

**Shri. D. R. Savant, for the Respondent Nos.3 to 5.**

**Ms. M. S. Bane, "B" Panel Counsel for the Respondent Nos.1 and 2.**

**CORAM : R.M. SAVANT, J.**

**DATE : 3<sup>rd</sup> JULY, 2015**

**PC.**

1. The Writ Jurisdiction of this Court is invoked against the order dated 30.05.2015 passed by the Commissioner of State Excise, Maharashtra State, Mumbai, by which order the order passed by the Collector Ratnagairi dated 30.10.2014 (wrongly mentioned as 30.10.2014) has been set aside and direction is issued to the Collector to allow the Appellant i.e. Respondent No.3 herein to admit her son and daughter-in-law (Respondent Nos.4 and 5) as partners and permitted her to conduct the business. The proceedings relating to the said CL-III licence have had a chequered history. It is not necessary to go into the same for the purposes of the present Petition. In view of the fact that against an

order passed under Section 137(2) a remedy by way of a Revision under Section 138 of the Bombay Prohibition Act, 1949. There is no warrant to entertain the above Petition. The Learned Counsel appearing on behalf of the Petitioner on instructions states that the Petitioner would file a Revision Application before the State Government within two weeks from date. The Learned Counsel appearing for the Respondent Nos.3, 4 and 5 states that the said Respondents would have no objection to the said Revision Application being filed against the impugned order dated 30.05.2015 by the Petitioner before the State Government. They would not raise the issue of locus-standi of the Petitioner to file the Revision Application. Statement accepted. If the Revision Application is filed within two weeks from date, the same to be considered by the Revisionary Authority on its own merits and in accordance with law including the application if any filed for stay. If stay application is filed, the same to be decided within four weeks of the same being filed. The Learned Counsel for the Petitioner states that an advance copy of the Revision Application along with stay application would be served on the Respondent Nos.3, 4 and 5. The contentions of the parties are kept open for being urged before the Revisionary Authority. With the aforesaid directions, the Writ Petition is disposed of.

**[R.M. SAVANT, J]**