

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8604 OF 2015**

Shri Dayanand R.Shetty

Petitioner

Vs

1.State of Maharashtra and Ors.

.. Respondents

Mr.Nandkumar K. Desai, Advocate for Petitioner.

Mr. S.D.Rayrikar, A.G.P for Respondents.

CORAM : R.G.KETKAR,J.

DATE : 27/08/2015

PC:

1. Not on Board. At the request of Mr. Desai, taken up in production board. Heard Mr. Nandkumar Desai, learned counsel for the petitioner and Mr.S.D.Rayrikar, learned A.G.P for the respondents.

2. Rule. Mr.Rayrikar waives service on behalf of the respondents. At the request and by consent of the parties, Rule is made returnable forthwith and Petition is taken up for final hearing.

3. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the Judgment and order dated 29.7.2015 passed by respondent no.3- Assistant Police Commissioner, Vartak Nagar, Thane. By that order, Eating house and Place of Public Entertainment Licence is suspended for a period of 15 days.

4. It is not in dispute that aggrieved by that order, the petitioner has preferred Appeal on 10.8.2015 before the Principal

Home Secretary, (Appellate Authority) for State of Maharashtra, Mantralaya, Mumbai. The petitioner has also filed application for stay of the impugned order.

5. Mr. Rayrikar states that within eight weeks from today, the Appeal preferred by the petitioner shall be disposed of by respondent no.4, viz. the Principal Home Secretary. In view thereof, Petition is disposed of in the following terms.

(i) Respondent no.4-Principal Home Secretary shall decide the Appeal within eight weeks from today.

(ii) During the pendency of the Appeal, the impugned order shall remained stayed. It is made clear that by granting stay to the impugned order, this Court has not expressed any opinion on merits of the case on either way. All the contentions of the parties on merits are expressly kept open.

(iii) In case, adverse order is passed by the Appellate Authority, the same shall not be given effect for a period of two weeks from the date of service of the same upon the petitioner.

(iv) Rule is made absolute in the above terms, with no order as to costs.

(R.G.KETKAR, J.)