

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

WRIT PETITION NO. 8560 OF 2015

K.J.A.Padmanabh

Petitioner

Vs

The Dy commissioner of Police
(H.Q.-1) Greater Mumbai & Anr.

.. Respondents

Ms Veena Thadhani, Advocate for Petitioner.
Ms. Vaishali Nimbalkar, A.G.P for Respondents.

CORAM : R.G.KETKAR,J.
DATE : 26/08/2015

PC:

1. Heard Ms. Veena Thadhani, learned counsel for the petitioner and Ms.Vaishali Nimbalkar, learned A.G.P for the respondents.
2. Rule. Ms. Nimbalkar 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 22.7.2015 passed by respondent no.1-Dy. Commissioner of Police,(HQ.-1), Greater Mumbai. By that order, respondent no.1 suspended premises and performance licence issued under the Rules for Licensing and Controlling Places of Public Amusements (Other than Cinemas), and Performances for

Public Amusement, 1960.

4. It is not in dispute that aggrieved by this decision, the petitioner has preferred Appeal before Honourable Principal Secretary, Home Department, Mumbai under section 33 of the Bombay police Act, 1951. Along with the Appeal, the petitioner has also filed application for stay of the impugned order.

5. Ms. Nimbalkar, upon taking instructions from Mr.Ashok Shamale, Inspector of Police, Commissioner Office, Mumbai, states that within eight weeks from today, the Principal Secretary, Home Department, will decide the main Appeal itself. In view thereof, Petition is disposed of in the following terms.

(i) Hon'ble Principal Secretary, Home Department, Mumbai 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, 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.)