

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9634 OF 2015

Mahesh S. Puthran.] ... Petitioner

Versus

State of Maharashtra, Through the Office of]
Government Pleader and Ors.] ... Respondents

Mr. Pankaj Kansara for Petitioner.

Mrs. V. Nimbalkar, A.G.P. for Respondent Nos.1 to 3.

CORAM :- M. S. SONAK, J.

DATE :- OCTOBER 01, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**

2. This petition challenges order dated 24/09/2015 by which the license issued to the Petitioner has been suspended by the Collector until the next date fixed by the Collector in the proceedings before him.

3. Section 137 (2) of the Bombay Prohibition Act, 1949, in terms, provides that any orders passed by the Collector shall be appellable to the Commissioner at any time within 90 days from the date of the order complained of.

4. In view of the aforesaid position, there is no necessity to entertain the present petition. The Petitioner has an alternate and efficacious remedy provided to him by the statute itself.

5. The learned Counsel for Petitioner states that appeal will be instituted against the impugned order at the earliest and appropriate directions be issued to the appellate authority to decide the application for interim relief which the Petitioner shall take out in such appeal. The appellate authority is directed to decide the Petitioner's application for interim relief as expeditiously as possible and in any case, within a period of one week from the date such application is filed.

6. It is made clear that this Court has not examined the merits of the matter and therefore all contentions of all parties are left open for decision by the appellate authority, in case the Petitioner does institute an appeal against the impugned order.

7. With the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

8. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.