

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10495 OF 2014

Raj Charitable Trust .. Petitioner
vs.
The State of Maharashtra & Ors. .. Respondents

Mr. Yuvraj Narvankar for Petitioner.
Ms Aparna Vhatkar – AGP for Respondents -State.

CORAM : M. S. SONAK, J.
DATE: 03 MARCH 2015

P.C. :-

1] Rule. With the consent of and at the request of the learned counsel for the parties, Rule is made returnable forthwith.

2] By this petition, the petitioner questions communication dated 23 July 2014, by which the Collector, Satara has declined the premises licence to the petitioner under the Rules for Licensing and Controlling Places of Public Amusement (other than Cinemas) and Performances for Public Amusement, including Melas and Tamashas, 1960 (“said Rules”).

3] In terms of Rule 108, application for seeking premises licence is to be accompanied by certain documents, which include *inter alia* no objection certificate from the Superintendent of Police. In the present case, such no objection certificate was issued by the Superintendent of Police on 16 January 2014. Apart from the same, further NOCs were also issued by Satara Nagar Parishad, as well.

4] The Collector, who is the prescribed authority for grant of premises licence did not take any decision in the matter for quite some time. Ultimately, by communication dated 5 July 2014, the Superintendent of Police revoked the NOC granted on 16 January 2014 by observing that since certain activities like carom and table tennis were proposed to be played from the premises situate on the first floor of a residential complex, it is possible that activities of gambling may be conducted therein and this would cause nuisance to the residents and create some law and order situation.

5] Relying, almost entirely upon the revocation communication dated 5 July 2014, the premises licence has been declined to the petitioner. This cannot be sustained. This is because, there is no independent application of mind by the Collector in the matter. Further and most vitally, before the Superintendent of Police revoked the earlier NOC dated 16 January 2014, no opportunity of hearing was afforded to the petitioner. There is absolutely nothing in the revocation communication dated 5 July 2014 to indicate that there was some variation in circumstances between the issuance of the NOC on 16 January 2014 and its revocation on 5 July 2014. The language employed and the apprehensions expressed in the communication dated 5 July 2014 are also vague and appear mostly in nature of surmises and conjectures.

6] In the aforesaid circumstances, it will be appropriate if the impugned communication dated 23 July 2014 is set aside and directions are issued to the Collector, Satara to reconsider the petitioner's application for premises licence, within a period of three months from today. Further, the revocation communication dated 5 July 2014 issued by the Superintendent of Police, Satara, is also set aside. The Superintendent of Police, Satara is directed to furnish to the petitioner adverse material, if any, within two weeks from today and thereafter hear the petitioner before taking any decision upon the revocation of NOC dated 16 January 2014. The Superintendent of Police to complete this exercise within four weeks from today and thereafter submit report to the Collector. The Collector, Satara to decide the petitioner's application for premises licence within a period of three months from today.

7] Parties to act on basis of authenticated copy of this order.

8] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. SONAK, J.)