

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9777 OF 2015

Mohammed Shafi

(Prop. Of M/s. Check-Inn)

.. Petitioner

vs.

The State of Maharashtra and ors.

.. Respondents

Mr. Pankaj Kansara for the Petitioner.

Mr. S. D. Rayrikar, AGP for Respondent Nos.1 to 5.

CORAM : M. S. SONAK, J.

DATE : 05 OCTOBER 2015.

P.C. :-

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

2] This is a clear case of suppression of vital and material facts. The order which is impugned in this petition makes reference to communication/ application dated 5 December 2014, in which it is stated that the Petitioner has leased out the premises in respect of which licence was granted in favour of Shri. Amrendrakumar Roy.

3] In fact relying upon the said communication/application, the impugned order has been made. In this petition, the Petitioner seeks *inter alia* quashing of impugned order dated 31 August 2015. In these circumstances, the communication/application dated 5 December 2014 which was admittedly made by the Petitioner himself was a vital and relevant document. The said document has

been suppressed. As such the Petitioner is not entitled to invoke the extra-ordinary and equitable jurisdiction of this Court under Article 226 or 227 of the Constitution of India.

4] Even otherwise, the Petitioner's statutory appeal against the order dated 31 August 2015 is pending before the Appellate Authority. The Appellate Authority to consider and decide the said appeal in accordance with law and on its own merits. However, no case is made out to entertain the present writ petition. This petition is, therefore, dismissed. Ordinarily, in a matter of this nature exemplary costs are required to be imposed upon the Petitioner. However, on this occasion, this Court refrains from imposing any costs.

(M. S. SONAK, J.)

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CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**