

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.892 OF 2015

Shri Ramesh B. Mishra

..... Petitioner

V/s

State of Maharashtra & Ors.

..... Respondents

Mr. Nandkumar K. Desai for the Petitioner.

Mr. Amit Shastri, AGP for Respondents/State.

CORAM : A.A. SAYED, J.

DATED : 31 MARCH 2015

P.C.

1 Heard Mr. Desai, learned Counsel for the Petitioner and Mr. Shastri, learned AGP for the Respondents/State.

2 By an order dated 24 February 2015, Respondent No.3 suspended the Premises/Performance License (Orchestra) of the Petitioner's establishment known as M/S. DIAMOND RESTAURANT & BAR, situated at R.C. Marg, Chembur Camp, Chembur, Mumbai – 400 074, for Ninety days. By the said order, the Petitioner was given 30 days' time to approach the Appellate Authority under Section 33 of the Bombay Police Act, 1951 read with Rule 28-A of Rules for Keeping Places of Public Entertainment in Greater Bombay, 1953. The Petitioner has preferred an Appeal against the said order dated 24 February 2015 and also filed an Application for stay.

3 The grievance of the Petitioner is that despite the Appeal having been filed alongwith the Stay Application on 13 March 2015 neither the Application for Stay nor Appeal has been decided and that if the stay is not continued, his Appeal would become infructuous.

4 The Petition is disposed of by passing the following order, which would, in my view, meet the ends of justice:

- i) The Appellate Authority shall hear and dispose of the Appeal as expeditiously as possible and in any event, within a period of eight weeks from the receipt of copy of this order;
- ii) Pending the hearing and final disposal of the Appeal, the effect and operation of the impugned order dated 24 February 2015, passed by Respondent No.3 in respect of the Petitioner's establishment M/S. DIAMOND RESTAURANT & BAR shall stand stayed, and;
- iii) In the event any adverse order is passed by the Appellate Authority, the said order shall not be given effect to for a period of three weeks from the date of communication of the same to the Petitioner.

5 Concerned parties to act on the copy of this order, duly authenticated by the Registry of this Court.

(A.A. SAYED, J.)