

Anand

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

WRIT PETITION (L) NO.1736 OF 2015

M/s. Hotel Baywatch .Petitioner

v/s.

The State of Maharashtra & ors .Respondents

Mr.R.D.Soni with Mr.S.N.Gawade i/b. M/s. Shree &
Co., Advocate, for the Petitioner
Mr.Bharat Mehta, AGP, for the Respondents –
State

CORAM : A.A.SAYED, J.

DATE : 29.06.2015

P.C.

. The petitioner seeks to quash and set aside the orders dated 08.06.2015 and 12.01.2015 whereby Place of Public Entertainment License of the petitioner, who is carrying on business in the name and style as 'M/s. Hotel Baywatch' has been suspended for a period of 30 days.

2. Learned counsel for the petitioner submitted that there has been a total

non-application of mind by the authorities inasmuch as at the time of inspection, Shri Suresh Gaware, was present and his name is shown as unauthorized person when as a matter of fact he was the authorized person and his name is endorsed on the license by the Police Department and therefore, there cannot be alleged breach of Rules 8(1) & 8(2). Learned counsel for the petitioners further states that he does not want to join issue and that the petitioner is willing to be subjected to reduced suspension as may be directed by this Court. Learned counsel for the petitioner has relied upon the order of the learned Single Judge dated 15.10.2012 in ***W.P.No.9493 of 2012 (Manjunath D. Naik vs. State of Maharashtra & Anr.)*** wherein this Court has passed the following order.

"1 Heard both the sides.

2 Having perused the concurrent orders what I find that the Petitioner is an accused of

making the appointment of one D.R.Amin, as Manager but without any prior approval or sanction of the Licensing Authority and thus the Petitioner violates Rule 8(1) and Rule 8(2) of the subject Rules. The Petitioner is also accused of allowing lady waitresses to conduct themselves indecently and in vulgar manner, resulting in a case being registered for the same.

3 Having heard both the sides and finding that the Petitioner purportedly makes an appointment of a person as Manager but without seeking prior approval of the licensing authorities and equally the conduct of the lady waitresses at the establishment was bound to cause embarrassment and such acts having been committed in the past, I am of the opinion that the interest of justice would be subserved if the period of suspension is reduced from 60 days to 10 days.

4 Within a period of one week from today, the Licensing Authority should take a decision on the Application made by the Petitioner, seeking to appoint Manager in its Establishment. If such an Application is received that shall be decided within a period of one week from its receipt by the Competent Authority.

5 Having found that there was enough material for suspending the license, in my opinion, that barring the period of suspension no interference is required with the orders under challenge. However, the period of 60 days being found to be excessive, the same is reduced to the period of 10 days. The Establishment shall remain closed for a period of 10 days, on and from 17th October, 2012 to 26th October, 2012 (both days inclusive).

6 The Writ Petition is disposed off accordingly."

The facts in the present case are somewhat similar to the facts in the aforesaid case of ***Manjunath D. Naik vs. State of Maharashtra & Anr.***

3. Considering the over all facts and circumstances of the case in my view, the following order would meet the ends of justice:

There being enough material for

suspending the license, in my opinion, no interference is required with the orders under challenge. However, the period of 60 days being excessive, shall stand reduced to a period of 10 days. The Establishment shall, accordingly, remain closed for a period of 10 days, on and from 10th July, 2012 to 19th July 2012 (both days inclusive).

(A.A.SAYED, J.)