

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

WRIT PETITION (L) NO.1957 OF 2015

Premchand Thokarshi Visariya **Petitioner**
V/s
The State of Maharashtra & Ors. **Respondents**

Mr. P.C. Kansara i/b M/s. Kansara & Thanekar for Petitioner.
Mr. Bharat Mehta, AGP for Respondents State.

CORAM : A.A. SAYED, J.
DATED : 15 JULY 2015

P.C.

. The only ground on which the Petitioner has been denied the Police License (PPEL) is lack of adequate parking space. In view of the Judgments of this Court in ***Manohar G Bhavanishankar vs. State of Maharashtra and ors.*** in ***Writ Petition(L) No.2995 of 2012*** dated ***30.01.2013***, ***Iyandurai Chinappa Kaukar vs. Commissioner of Police*** in ***Writ Petition No.7951 of 2014*** dated ***18.12.2014*** and ***Rajeev S. Mehta vs. Commissioner of Police (Hotel Branch)*** in ***Writ Petition No.34 of 2015*** dated ***22.01.2015***, I am inclined to remand the matter back to the Respondent No.3 Deputy Commissioner of Police (HQ-1 Licensing Authority) to decide the Application of the Petitioner afresh.

2 In the case of ***Hotel Maharaja Bar & Restaurant vs. State of Maharashtra*** in ***Writ Petition No.3487 of 2006***, this Court in para 2 has observed as follows:

“2. It is true that an appeal has been provided under section 33 of the Bombay Police Act, 1951 to the State Government against the order rejecting premises licence. However, this alternate remedy is not bar for this Court to invoke its powers under Article 226 of the Constitution of India.”

3 Considering the fact that the Authority has not considered the judgments of this Court while passing the impugned order, I am inclined to entertain the Petition as it has been repeatedly seen that despite the orders of this Court, the Respondents have not taken cognizance of the same. In the circumstances, in my view, the following order would meet the ends of justice:

- (i) The impugned orders are quashed and set aside.
- (ii) The matter is remanded to the Respondent No.3 - Deputy Commissioner of Police (Licensing Authority) to decide the Application of the Petitioner afresh, expeditiously and in any event within eight weeks from today after considering the aforesaid judgments.

4. All contentions are kept open.

5 The Petition is disposed of in the aforesaid terms and no order as to costs.

(A.A. SAYED, J.)