

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3843/2015

(ARVIND RAMCHANDRA MUDE **VERSUS** STATE OF MAHARASHTRA)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri P.M. Pande, counsel for the petitioner.
 Ms P.D. Rane, A.G.P. for the respondent.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : NOVEMBER 20, 2015.

By this petition, the petitioner seeks a direction to the respondent-State of Maharashtra to permit the petitioner to transfer the CL-III license bearing No.5/74-75 from Hingni, District Wardha to any other part of the State.

The petitioner had applied for CL-III license in the early part of the 1970s and the petitioner was granted a license in the year 1974-75 for running a country liquor shop at Hingni, District Wardha. Immediately, the State Government took a decision to ban liquor in the entire Wardha District and declared Wardha District as a dry district. The petitioner applied for a Prohibition Affected Certificate and the same was granted in favour of the petitioner on 04.07.1983. In the year 1988, the petitioner applied for transfer of his CL-III license from Hingni, District Wardha to some other district. It is the case of the petitioner that the request of the petitioner has not been considered by the respondent till date. It is stated that thereafter, the petitioner continuously made representations to the respondent seeking transfer of the CL-III license from Hingni, District Wardha to some other district. In the circumstances of the case, the petitioner had sought a direction to the respondent to permit the transfer of the CL-III license from Hingni, District Wardha to other other district, specially when the State Government has permitted two such

transfers from Wardha District to Yavatmal District and Nagpur District.

On hearing the learned counsel for the parties, we find that the relief sought by the petitioner cannot be granted. The petition suffers from laches. The petitioner was granted the CL-III license in the year 1974-75 and immediately Wardha District was declared to be a dry district. The petitioner must have hardly operated his license in Wardha District, after it was granted in his favour. The petitioner applied for transfer of the CL-III license to some other district in the year 1988. If the respondent had not considered the application of the petitioner within a reasonable time, the petitioner ought to have availed the legal remedies. The petitioner did not do anything in the matter except making representations to the State Government after 1988 till 2015. It is well settled that mere making of representations would not stop the limitation. It would be worthwhile to refer the judgments reported in **(1995) Supp. (4) SCC 593** (*Administrator of Union Territory of Daman and Diu and others Versus R.D. Valand*), **1997 (11) SCC 13** (*Jai Dev Gupta Versus State of H.P. & Another*) and **2009 (3) SCC 281**. Also, there is no merit in the submission made on behalf of the petitioner that the petitioner should be permitted to transfer his license as two other persons were permitted to transfer it from Wardha District to Yavatmal District and Nagpur District. We find from the documents annexed to the petition that those transfers are effected way back and nearly thirty years earlier. In stead of seeking a transfer along with the others, thirty years earlier, the petitioner has filed the instant petition after more than forty years from the time, Wardha District was declared to be a dry district.

In the circumstances of the case, we dismiss the petition with no order as to costs.

JUDGE

JUDGE