

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.5789/2015**

**Bhaskar Gulabrao Atole and another**

**...Versus...**

**The State of Maharashtra, through its Secretary, Department of Excise,**  
**Mantralaya, Mumbai – 32 and others**

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

Court's or Judge's orders

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Shri Abhay Sambre, Advocate for petitioners  
Shri N.S. Khubalkar, AGP for respondent nos.1 to 3

**CORAM : SMT. VASANTI A. NAIK AND**  
**A.I.S. CHEEMA, JJ.**

**DATE : 16.10.2015**

Heard.

By this petition, the petitioners impugn the order of the Collector, Buldhana dated 7.10.2015, directing the holding of election for considering whether the petitioners could operate the FL-III licences in Bibi, Tq. Lonar, District Buldhana.

On hearing the learned Counsel for the parties, we find that the petition is premature. There is no adverse order passed against the petitioners. None of the respondents have cancelled the FL-III licences of the petitioners or have asked the petitioners to stop operating the licences. The Collector, Buldhana has only directed the holding of the election of women from Village Panchayat Bibi for considering whether 50% of the women in the Village Panchayat have objection to the petitioners running the FL-III licences in the said village. It cannot be said at this stage that more than 50% of the women voters present in the meeting

would vote against the petitioners and the licences of the petitioners would stand cancelled. Only if an order of cancellation of the licences is passed against the petitioners, the petitioners would have a right to challenge the same. A direction issued by the Collector to hold the meeting of the women members to consider whether the petitioners are entitled to operate the FL-III licences in the village, cannot give a cause of action to the petitioners to approach the Court in exercise of the writ jurisdiction for stalling the action at the intermediate stage. The petition is premature. The petitioners are free to challenge the adverse order, if passed.

In the circumstances of the case, we dispose of the writ petition as premature with no order as to costs. The points raised in the petition are kept open.

**JUDGE**

**JUDGE**

Wadkar