

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CIVIL APPLICATION NO.772/2016

IN

CONTEMPT PETITION NO.223/2015

IN

WRIT PETITION NO.8104/2012

Anandsagar Bahuddeshiya Social Krida
Mandal Sanstha, Aurangabad.

...Applicant..

Versus

Rajendrasinh & others.

...Respondents...

.....

Shri P.S. Dighe, Advocate for applicant.

Shri A.B. Girase, Government Pleader for the State.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE: 18.03.2016

ORDER :

1] Considering that a fresh order has been passed on 7.1.2016 concerning the applicant, Shri Dighe, learned Advocate for the applicant, prays for leave to add a prayer in this application for seeking the setting aside of the order dated 7.1.2016. Leave is granted. Addition be carried out forthwith.

- 2 -

2] This application has been filed for seeking permission to amend the Contempt Petition No.223/2015 by adding respondent no.4 in the cause title and for introducing the proposed paragraph nos.28A, 28B and 33A.

3] Shri Girase, the learned Government Pleader, has appeared on behalf of the non-applicants in this application and submits that considering the observations of this Court in the judgment referred to in the contempt petition, a fresh hearing was conducted. The applicant appeared on the first date of hearing and sought time to cause an appearance through his Advocate. ON a few dates thereafter set for hearing in the matter, the applicant was absent and, therefore, the order dated 7.1.2016 was delivered rejecting the permission to start a card room club.

4] Shri Girase, however, graciously submits, on instructions, that if the applicant desires a personal hearing on the matter through an Advocate, the respondent authorities have no hesitation in giving / according further opportunity to the applicant by recalling the order dated 7.1.2016.

5] Shri Dighe submits, on instructions from the

- 3 -

applicant, that if the respondent - authorities recall the order dated 7.1.2016 and if this Court directs the fresh hearing on a particular date at a given place at a given time, the Advocate for the applicant would address the mind of the competent authority and may also tender written notes of submissions. For the said purpose, the order dated 7.1.2016 may be recalled.

6] Shri Girase, learned Government Pleader, submits on instructions that the order dated 7.1.2016 in the light of the request made by the applicant is being withdrawn. This Court may schedule the hearing in the matter and the applicant would be accordingly heard as per his request.

7] In the light of the above, this application is partly allowed and disposed of by recording the statement of the learned Government Pleader that the order dated 7.1.2016 stands recalled.

8] Recording the consent of the learned Government Pleader and Shri Dighe, the applicant and / or his learned Advocate shall appear in the office of the Commissioner of Police, Aurangabad, on 28.3.2016 at 5-00 p.m. The applicant or his learned Advocate, as the case may be, would address the mind of the learned

- 4 -

Commissioner and shall also tender written notes of submissions.

9] After the hearing is concluded, the concerned authority shall close the matter for passing necessary orders. It is expected that the authority would decide the case of the applicant as expeditiously as possible and preferably on or before the 16th day of April, 2016.

10] Shri Girase, learned Government Pleader, points out from the note below the order dated 7.1.2016 (which has now been withdrawn) that the Home Department of the State of Maharashtra, has taken a decision to make the licences for starting social clubs / card rooms free from the earlier Act i.e. Licensing and Controlling Places of Public Amusements (Other than Cinemas) and Performances for Public Amusement Including Melas and Tamashas, 1960 and Rules for Place of Public Entertainment Licence. He further submits that in the light of the above, by the time the case of the applicant is decided, the starting of card rooms and social clubs would be reedeemed of the rules for seeking permissions as were earlier applicable. He, therefore, submits that in the event the decision is announced by the State Government to that extent, there

- 5 -

is a possibility that the said benefit could be extended to the applicant.

11] Considering the note below the order dated 7.1.2016, needless to state, the competent authority may extend the benefit to the applicant if the said Government decision / circular / notification is introduced during the pendency of this application and if applicable to the case of the applicant.

(RAVINDRA V. GHUGE, J.)