

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

WRIT PETITION NO. 3969 OF 2016

Parshuram Social and Sports Club,
Through its Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. B. Talekar, Advocate for the Petitioner.
Shri S. P. Sonpawale, A.G.P. for Respondent Nos. 1 to 5.
The Respondent No. 6 is served.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 05TH MAY, 2016.**

PER COURT :

. Mr. Talekar, the learned counsel submits that, show cause notice dated 20th January, 2016 is issued to the petitioner as to why it's license should not be suspended. Pursuant to the said show cause notice hearing was conducted on 25.01.2016 and on the same day the license of the petitioner was revoked/cancelled. According to Mr. Talekar, the learned counsel, no show cause notice was given with regard to the cancellation of the license of the petitioner. The said action is beyond the show cause notice issued to the petitioner.

2. Mr. Sonpawale, the learned Assistant Government Pleader submits that, the criminal case is pending against the petitioner. Large scale illegalities were found. Huge amount was recovered, wherein persons were playing cards/gambling. The condition of the license is breached. As such the action is rightly taken.

3. We have gone through the show cause notice issued to the petitioner, pursuant to which the proceedings have been undertaken. The show cause notice is issued as to why license of the petitioner should not be suspended and pursuant to the said show cause notice the petitioner was called for hearing and thereafter license itself is cancelled/revoked.

4. The proceedings could not have traveled beyond the show cause notice. The show cause notice stated about the suspension of license, however, vide the impugned order the license is revoked. The same is beyond the purview of the show cause notice itself.

5. In the light of the above, the impugned order is quashed and set aside. We have quashed and set aside the impugned order only on the ground that same was not preceded with the show cause notice for cancellation of license. We have not considered merits of the contentions of either parties. The order would not be an impediment for the authorities to take further

action in accordance with law or for the petitioner to apply for license/renewal of license, etc. If such application is made by the petitioner, same would be considered as per rules, policy and on its own merits. The writ petition accordingly is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/May 16