

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

912 WRIT PETITION NO. 9686 OF 2016

MOHAMMED ZIYA MOHAMMED OSMAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Shri. H.I. Pathan, Advocate, for petitioner.

Shri. S.K. Tambe, Assistant Government Pleader, for
respondent Nos.1 to 3.

CORAM: T.V. NALAWADE, J.

DATE : 22 SEPTEMBER 2016

ORDER:

1) Notice. Learned Assistant Government Pleader
waives notice. Heard both the sides.

2) Learned Assistant Government Pleader drew
attention of this Court to the provision of section 137 of
the Maharashtra Prohibition Act. The provision shows that
appeal lies against the orders of the Collector even if it is
the order of suspension of licence. In such circumstances,
this Court is not expected to use extraordinary
jurisdiction. There is liberty to the petitioner to file

appeal. Learned counsel submitted that till filing of the appeal, some protection needs to be granted in favour of the petitioner. This submission is not acceptable as that will create a bad precedent.

3) Learned counsel for the petitioner produced copy of order made by this Court (Nagpur Bench) in **Writ Petition No.4634/2016 (M/s T.N. Badki v. The Collector Yavatmal)** and submitted that in the said matter this Court allowed the writ petition and set aside the order made in similar circumstances. In view of aforesaid positive provision of law, this Court is avoiding to express anything with regard to the order made by the Nagpur Bench. When there is express provision, this Court is not expected to use extraordinary jurisdiction. The petition stands dismissed with the aforesaid liberty.

Sd/-
(T.V. NALAWADE, J.)

rs1