

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.7769 OF 2016

Sou. Minakshi Manohar Mali and ors. : Petitioners.
versus
State of Maharashtra
Through Principal Secretary,
Excise Department and ors. : Respondents.

Mr. Dhairyasheel Sutar for the Petitioners.
Mr.S.D. Rayrikar AGP for the Respondent Nos.1 to 4.
Mrs. Veena Thadhani for the Respondent No.5.

CORAM : R. M. SAVANT, J.
DATE : 09th December 2016

P.C.

1 In terms of the order dated 06/09/2016 passed in Civil Application No.2136 of 2016, the ad-interim order which was operating in the above Writ Petition was recalled. The same was recalled on the ground that the order dated 01/07/2016 passed by the State Government being stayed, the period of suspension of the Respondent No.5's license which was 30 days has already been undergone by the Respondent No.5 in view of the interim order passed in the above Writ Petition.

2 In terms of the order dated 06/09/2016 the above Petition was to be listed for further hearing on 15/10/2016. Since the above Writ Petition was not listed on 15/10/2016, in view of the afore-said development the Petition was mentioned for being placed for hearing, that is how the Petition is placed

for hearing today.

3 In view of the fact that the penalty imposed by the order dated 23/06/2016 passed by the Collector, Kolhapur i.e. suspension of the license of the Respondent No.5 for 30 days has already been undergone by the Respondent No.5, in view of that fact that though the said order dated 23/06/2016 passed by the Collector, Kolhapur was stayed by the order dated 01/07/2016 of the State Government, this Court vide the ad interim order dated 12/07/2016 passed in the above Writ Petition had stayed the said order dated 01/07/2016 passed by the State Government as a result no stay was operating in favour of the Respondent No.5. The suspension of the license therefore, stood, which suspension the Respondent No.5 has undergone during currency of the ad-interim order in the above Petition. In view thereof the above Writ Petition has turned infructuous. The proceedings before the State Government have also turned infructuous. Rule would accordingly have to be disposed of on the ground that the Petition has turned infructuous.

[R.M.SAVANT, J]