

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2136 OF 2016
IN
WRIT PETITION NO.7769 OF 2016

Revati Rahul Jadhav .. Applicant

In the matter between:

Minakshi Manohar Mali & Ors. .. Petitioners

-Versus-

State of Maharashtra & Ors. .. Respondents

Mrs. Veena Thadani for respondent No.5

Mr. S.D.Rayrikar, AGP for State respondent Nos. 1 to 4

CORAM : K.K.TATED, J.
DATE : 6th September 2016.

P.C.

1] Heard the learned Counsel for parties. Learned Advocate holding for Mr. Sutar, learned Advocate on record for the applicant submits that Mr.Surtar has filed leave note dated 2nd September 2016 for the period 6th September 2016 to 16th September 2016.

2] It is to be noted that in the present proceedings, the applicants Licence was suspended by the Collector, Kolhapur by order dated 23rd June 2016 for 30 days. The said order was stayed by the State Government by an order dated 1st July 2016. Thereafter, the petitioner filed a writ petition being Writ Petition No.7769 of 2016 in this court for

stay of the order dated 1st July 2016 passed by respondent No.1 – Exh.”O” to the petition and also consequential order dated 2nd July 2016 passed by the respondent No.3 (Exh.”P”) to the petition.

3] Learned Counsel for the applicant submits that in view of the order dated 12th July 2016 passed by this Court (R.P.Sondurbaldota, J) in W.P.No.7769 of 2016) the stay granted by the State Government on 1st July 2016 was stayed. She submits that in view of the subsequent development, the applicant's establishment remained closed for more than 30 days. To this effect the applicant has averred in paras 6 and 7 of the application which reads thus:-

“(6) The order dated 23/6/2016 passed by the Collector came to an end by efflux of time on 23/7/2016 as the period of one month suspension was completed.”

(7) The applicant states that she had not been served with a copy of the Writ Petition and hence expected that after the order dated 23rd of July 2016 came to an end, her business would be allowed to restart on 23/7/2016. However, on 23/7/2016 the applicant was informed that since the writ petition was made returnable on 29/7/2016 she would have to wait till then.”

4] Learned Counsel for the applicant further submits that the order passed by the learned Collector Kolhapur dated 23rd June 2016 is already complied with i.e. the applicant's establishment remained closed for more

than 30 days. Hence, the ad-interim relief granted by this Court on 12th July 2016 and extended on 29th July 2016 in Writ Petition No.7769 of 2016 be recalled.

5] It is to be noted that in the present proceedings the collector, Kolhapur by his order dated 27th June 2016 suspended applicant's licence for 30 days. That order was stayed by the State Government on 1st July 2016. But, subsequently, this Court vide order dated 12th July 2016 stayed the order passed by the State Government dated 1st July 2016 and the same is continued till today. In this way the applicant's establishment has remained closed for more than 30 days. The order of Collector, Kolhapur is already complied with. I am satisfied that the applicant has made out a case. Hence, following order.

(i) Ad-interim order dated 12th July 2016 and extended on 29th July 2016 in W.P.No.7769 of 2016 is recalled.

(ii) Office is directed to place W.P.No.7769 of 2016 on board on 15th October for further orders.

(K.K.TATED, J)