

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7774 OF 2016

Smt.Savita Gajanan Jarag

... Petitioner

Vs.

The Commissioner, State Excise
Maharashtra State, Mumbai & Ors.

... Respondents

Mr.A.M. Adagule for the Petitioner

Ms.M.S. Bane, AGP, 'B' panel for Respondent Nos.1 & 2

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **AUGUST 5, 2016**

P.C.:

1. In this petition, the petitioner challenges the order dated 29.6.2015 passed by the Commissioner, State Excise, Maharashtra State, Mumbai, thereby confirming the order passed by the Collector, Kolhapur dated 25.7.2013, refusing permission to the petitioner to start a beer shop on the ground that it is within the limit of 50 metres from a religious place i.e., Dargah. The learned Government Pleader pointed out that the appeal before the Commissioner was filed under section 137(2) of the Bombay Prohibition Act, 1949 and therefore, a revision under section 138 lies before the State Government.

2. An alternate remedy under section 138 of filing revision before the State Government is available to the petitioner.

3. The petitioner is allowed to withdraw the petition as the petitioner wants to prefer revision before the State Government.
4. Writ petition is disposed of accordingly.

(MRIDULA BHATKAR, J.)