

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 95 OF 2014

Sou. Meena Yeshwant Kangane
V/s.
The State of Maharashtra & Ors.

.....Petitioner
.....Respondents

* * * * *

Ms. Deeplaxmi S. Matwankar, Advocate for the petitioner.

Ms. Vaishali Nimbalkar, AGP for respondents no.1 and 2.

CORAM :- SMT. R.P. SONDURBALDOTA, J.

DATED :- 25TH JULY, 2016.

P.C. :-

1). This petition challenges the order dated 13th September, 2012 passed by the Principle Secretary (Appeals), Home Department, Mantralaya, Mumbai on the appeal preferred against the order of the Police Commissioner, Nasik refusing license for running a restaurant to the petitioner.

2). The brief factual background of the petition is that, the property from which the petitioner seeks to run the hotel business originally belonged to respondent no.3. The property was mortgaged to a Co-operative Bank named Sahakar Mitra Shri. Chandrakant Hari Badhe Sir Urban Co-operative Credit Society Ltd, Jalgaon. When respondent no.3 failed to pay the financial assistance received by him from the bank, the property mortgaged

to it came to be sold by public auction and the petitioner purchased the same. Petitioner no.3 had been running business of hotel from the land and was holding the necessary licenses for the purpose. He has filed Special Civil Suit No. 355 of 2006 in the Court of Civil Judge Senior Division, Nashik challenging the auction sale and the deed of conveyance executed by the bank in favour of the petitioner. By the interim order dated 11th November, 2008 passed in that suit, the Court has directed the parties to the suit, which includes the petitioner, to maintain the present status of the suit property till final disposal of the suit. The petitioner had also filed an application at Exhibit-42 for an interim injunction to restrain respondent no.3 from creating any third party interest in the suit property. In respect of that application also, the parties have been directed to maintain status-quo. The impugned order specifically states that the dispute over the property in respect of which permissions are sought by the petitioner has been suppressed by the petitioner from the Commissioner of Police as also the Secretary who passed the order. Besides, respondent no.3 who had challenged the sale of the property in question to the petitioner was also not impleaded to the application. These facts are not disputed by the petitioner. In the circumstances, I find no infirmity whatsoever in the impugned orders. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)