

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO.3071 OF 2016

(M/s. Hotel City Line, Nagpur ..vs.. The District Collector, State Excise Department, Nagpur and
another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 24-06-2016

Heard Shri Shyam Dewani, Advocate for the petitioner, Shri H.R. Dhumale, Assistant Government Pleader for the respondent No.1 and Shri S.G. Jagtap, Advocate for the respondent No.2.

2. The learned Advocate for the respondent No.2 has raised an objection that the present petition need not be entertained as the petitioner has alternate statutory remedy available under Section 137 of the Maharashtra Prohibition Act.

3. The learned Advocate for the petitioner has submitted that the order passed by the Collector is void *ab-initio* and cannot be said to be an order under Section 54 of the Maharashtra Prohibition Act and therefore, the petition be entertained.

4. The grounds raised by the petitioner can be raised

in appeal and can be considered by the appellate authority. In view of the objection raised on behalf of the respondent No.2, the petition is disposed with liberty to the petitioner to avail the remedy of appeal, if so advised.

5. This Court granted interim order on 27-05-2016 which continues till today.

The interim order granted by this Court shall continue till 30-09-2016 provided the petitioner files appeal till 15-07-2016.

If the appeal is filed till 15-07-2016, it shall be disposed till 30-09-2016.

6. The petition is disposed in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

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