

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4435/2016

Smt. Jayshree wd/o Rajendra Jaiswal
 ..VS..

The State of Maharashtra, through its Secretary, Department of Excise, Mantralaya,
 Mumbai - 32 and others

 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 : 3.8.2016.

Heard Shri Abhay Sambre, Advocate for the petitioner and Shri H.R. Dhumale, A.G.P. for the respondent Nos.1 to 3.

Considering the nature of dispute and the order which I propose to pass the petition is being disposed without issuing notice to the respondent No.4.

The petitioner had been running business at Chhota Gondia as per CL-III license granted in 1987 - 1988. In 2015, the petitioner submitted an application seeking permission to shift the business from Chhota Gondia to Savli, Tah. Deoli, Distt. Gondia. The Commissioner of State Excise, by the order dated 8th July, 2016 granted permission to the petitioner to shift her business from Chhota Gondia to Savli. This order is challenged by the respondent No.4 before the State Government. The State Government has stayed the order passed by the Commissioner of State Excise, by the impugned order.

The submission on behalf of the petitioner is that the respondent No.4 has no *locus* to challenge the order passed by the Commissioner of State Excise. It is further

submitted that the respondent No.4 is involved in illegal sale of country liquor and about 5 cases are registered against him. It is further submitted that the petitioner is widow and is suffering hardships as she is unable to conduct business at Savli because of the impugned order though the petitioner has deposited renewal fees of Rs.1,29,775/-. In these circumstances, it is prayed that the impugned order be stayed.

If the relief, as sought by the petitioner, is granted, the proceedings pending before the State Government will not survive. Considering the facts of the case, interests of justice would be sub-served by passing the following order:

- (i) The State Government shall dispose the proceedings within six weeks from today.
- (ii) The petitioner shall appear before the State Government on 22nd August, 2016 at 11 a.m.
- (iii) The petitioner shall send copy of this order to the respondent No.4 by speed post acknowledgement due with intimation in writing that the proceedings before the State Government will be taken up on 22nd August, 2016.
- (iv) The learned A.G.P. shall also intimate this order to the respondent No.4 by speed post acknowledgement due.
- (v) All the issues raised by the petitioner are kept open for consideration by the State Government.
- (vi) The petition is **disposed** in the above terms.

In the circumstances, the parties to bear their own costs.

JUDGE

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

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