

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6605/2015

(SANGEETA ANAND SINGH **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri S.S. Godbole, counsel for the petitioner.
 Mrs. R.A. Deshpande, A.G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK, J.

DATE : APRIL 2, 2016.

By this writ petition, the petitioner has challenged the order of the Superintendent, State Excise as also the order of the Collector, Nagpur, dated 20.10.2015 suspending the license of the petitioner for a period of 180 days and directing the petitioner to surrender the license in view of the undertaking given by the petitioner that the license would be surrendered in case law and order situation arises.

The petitioner was granted an Eating House license and, hence, she applied for grant of a FL-III license on 11.08.2014. The Collector refused to grant the FL-III license in favour of the petitioner. The Commissioner of State Excise allowed the appeal filed by the petitioner and set aside the order of the Collector, rejecting the application. Despite the order of the Commissioner, the Collector did not grant the license in favour of the petitioner and, therefore, the petitioner filed Writ Petition No.2766 of 2015. In the said writ petition, a statement was made by the learned Government Pleader on instructions that the petitioner would be permitted to operate the license on furnishing an undertaking that she will surrender her license in the event any law and order situation arises, in future. By accepting the statement made by the learned Government Pleader, the writ petition was disposed of. On the basis of the order in the said writ petition, the respondent no.2-Collector granted the FL-III license in favour of the petitioner on

06.10.2015. Though a 'No Breach of Peace' police report was secured on 10.10.2015 by the petitioner, the Superintendent, State Excise asked for a fresh police report. It is the case of the petitioner that some interested persons under political pressure protested against the running of the FL-III license by the petitioner. It is the case of the petitioner, that a First Information Report was registered against the unruly demonstrators. By the impugned order dated 20.10.2015, the respondent no.2-Collector suspended the petitioner's FL-III license for a period of 180 days, i.e. beyond 31.03.2016, till which it was valid. It is the case of the petitioner that the license of the petitioner could not have been suspended for 180 days only because some demonstrations were made by the public. It is submitted that the license could not have been suspended beyond the expiry of the term of the license. It is further submitted that the petitioner would apply for renewal of the license in view of the expiry of the license on 31.03.2016 and it would be necessary for the respondent no.2-Collector to decide the application in accordance with law. It is stated that the respondent-Authorities are not ready to accept the application for renewal of the license on the ground that the suspension period of 180 days has not expired.

Mrs. Deshpande, the learned Assistant Government Pleader appearing for the respondents, supported the orders and submitted that the license was rightly suspended as according to the respondents, a law and order situation had arisen and as per the undertaking of the petitioner, the license of the petitioner was liable to be surrendered. It is, however, fairly stated that the license may not have been suspended beyond the period of its term, i.e. after 31.03.2016. It is submitted that if an application is made by the petitioner for renewal of the license, the same would be decided in accordance with law. It is stated that since the period of license has expired on 31.03.2016, the cause for filing the writ petition may not survive.

It appears on hearing the learned counsel for the parties that the cause of action for filing the writ petition would not survive after the expiry of the license period. The period of license has admittedly expired on 31.03.2016. Though the petition was filed on 24.11.2015 and notices were issued to the respondents, the writ petition could not be decided till the expiry of the term of the license. Though the cause for filing the writ petition may not survive, it would be necessary for the respondents to consider the application for renewal of the license of the petitioner in accordance with law, if the petitioner makes the same.

In the circumstances of the case, the writ petition is disposed of as the question involved in this case would be only academic as the license granted in favour of the petitioner has expired on 31.03.2016. Since the respondents could not have suspended the license beyond the term of the license, the petitioner is free to file an application for renewal of license, which, it is needless to state, should be decided by the respondents on its merits without being influenced by the impugned orders.

Order accordingly. No costs.

JUDGE

APTE