

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4529 OF 1994

Ramesh s/o Gurunamal Nagrani,
Age-38 years, Occu-Business,
R/o Bhusawal, Dist. Jalgaon

-- PETITIONER

VERSUS

1. The State of Maharashtra,

2. The Collector of State Excise,
Jalgaon Division,
Jalgaon

-- RESPONDENTS

Mr.S.R.Barlinge, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent Nos. 1 and 2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 29/06/2017

ORAL JUDGMENT :

1. The petitioner, by this petition, has put forth prayer clause 'A',
which reads as under :-

*"By a writ of certiorary or any other appropriate writ or direction
in the like nature, the impugned order dated 5th May, 1994
passed by the Sub-Inspector of State Excise, Bhusawal, be
quashed and set aside."*

2. By order dated 16/01/1995 and after hearing the litigating
sides, this Court has admitted this petition and granted interim relief
in terms of prayer clauses 'C' and 'D'.

3. The grievance of the petitioner is that he was charged by respondent No.2 of having retained excess stock of '*Mhowra*' flowers (commonly termed in Marathi as '*mohache phool*'). By the impugned order, he was directed to refrain from selling the said flowers in the light of the panchnama that was prepared. However, due to the interim order of this Court, the petitioner has been operating his shop on the basis of the license which is to be renewed each year as per the learned AGP for the last 22 years during the pendency of this petition.

4. Considering the peculiar facts recorded as above, I find that this petition is left with an academic interest as the petitioner has been operating his shop for the last 22 years under the orders of this Court.

5. In the light of the above, this petition is partly allowed. The impugned order dated 05/05/1994 is set aside only because it was stayed for 22 years. However, it is made clear that the petitioner, if still continues to operate his shop for selling '*Mhowra*' flowers as per the terms and conditions of the license, he shall always be subject to the terms and conditions of the license as well as would be under an

obligation to seek the renewal of the license under the Bombay Mhowra Flowers Rules, 1950.

6. Needless to state, if the concerned Department finds that the petitioner has violated the terms of the license or has indulged in such acts which are beyond the purview of the license or if any such act is noticed in the future, they would be at liberty to initiate appropriate steps as may be permissible in law.

7. Rule made partly absolute in the above terms.

(Ravindra V.Ghuge, J.)