

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2442 OF 1994

Babulal Mishrilal Jaiswal
(Died) Through his L.Rs.

1-A. Ganeshlal Babulal Jaiswal
Age: 57 years, Occu.: Business,

1-B. Jagdish Babulal Jaiswal
Age: 53 years, Occu.: Business,

1-C. Dinesh Babulal Jaiswal
Age: 45 years, Occu.: Business,

1-D. Suresh Babulal Jaiswal
Age: 42 years, Occu.: Business,

All R/o Matruchhaya Niwas, House No. 225,
Main Road, Pandharpur,
Tq. and Dist. Aurangabad.

..PETITIONERS

VERSUS

1. State of Maharashtra
Through its Secretary
Home Department, Mantrayala
Mumbai-32.

2. The Collector,
Aurangabad.

..RESPONDENTS

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Mr. Ajinkya Kale, Advocate h/f Mr. S.B. Talekar, Advocate for petitioners.
Mr. S.K. Tambe, A.G.P. for respondents.
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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 16th JUNE, 2017**

ORAL JUDGMENT :

1. Heard.
2. In this petition, the petitioner has challenged the notice dated 21st July, 1994 by which the District Collector, Aurangabad informed him to close down his country liquor shop and relocate it to a different place in the light of the report of the Waluj Police Station and the strong objections and resistance of the residents of the Waluj and Pandharpur area.
3. Since the petitioner has passed away on 17th June, 2006, this Court allowed the legal heirs to be brought on record by order dated 28th March, 2011 in Civil Application No. 9161 of 2010.
4. The learned Counsel for the petitioners submits on instructions that considering the law laid down by the Hon'ble Supreme Court in State of **Tamil Nadu Vs. K. Balu and Others** reported in **AIR (2017) SC 1670**, all the liquor shops within the distance of 500 meters from the national and state highways have been closed down. The petitioners have also closed down the said shop and have moved the appropriate authorities for renewal of licence and relocation of the said shop. He therefore submits on instructions that this petition can be disposed of with the observation that the appropriate authorities would consider the fresh application of the petitioners on its own merits.

5. Considering the above, this petition is disposed of. Rule is discharged.

6. Needless to state, in the event, the petitioners have applied for relocation of the shop and/or renewal of the licence, the authorities would consider the same on its own merits.

(RAVINDRA V. GHUGE, J.)

SSD