

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6527 OF 2017

Ashok s/o Baliram Sangewar
& another

Petitioners

Versus

The Ministry of Road Transport
& Highways and others

Respondents

Mr. S.V. Kurundkar, advocate for petitioners.
Mr. A.V. Deshmukh, A.G.P. for respondents / State.
Mr. Bhushan Kulkarni, advocate for respondent no. 1.

WITH
WRIT PETITION NO. 9765 OF 2017

Ramdas Baliram Gavate

Petitioner

Versus

The Ministry of Road Transport
& Highways and others

Respondents

Mr. S.V. Kurundkar, advocate for petitioners.
Mr. A.V. Deshmukh, A.G.P. for respondents / State.
Mr. Bhushan Kulkarni, advocate for respondent no. 1.

**CORAM : R.M.BORDE &
S.M. GAVHANE, JJ.
DATE : 8th AUGUST, 2017**

PER COURT:

1. Petitioners are praying for issuance of directions to respondents to decide the representation tendered by them for conversion of National Highway into municipal road in view of resolution adopted by the Municipal Council.

2. It is contended that a decision has been taken to provide for a bye pass road to the National Highway which would be located 2 to 3 kms. away from the city. It is further contended that the bye pass provided on the National Highway would be construed as part of the National Highway and the existing road passing through the city shall have to be considered as municipal road.

3. Petitioners, in order to escape from the directions issued by the Supreme Court imposing restriction for operating the liquor shops within the periphery of 500 mtrs. from the State and National Highway, have come forward to make such a request. It must be borne in mind that the policy of the State as declared under the directive principles of the State policy is of total prohibition whereas sale of liquor is regulated by relevant legislation operated in different States which would be an exception to the Directive Principles of the State. Any directive facilitating exception to the National policy as in the instant matter need not be issued in exercise of extra ordinary jurisdiction under Article 226 of the Constitution of India. It would however, be open for the petitioners to avail of the remedies available in law and pursue the concerned authorities for redressal of their grievance.

4. For the reasons recorded above, no interference is called for in the instant petition. Petitions stand rejected.

(S.M. GAVHANE)
JUDGE

(R.M.BORDE)
JUDGE