

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

902 WRIT PETITION NO. 6883 OF 2017

PANDHARINATH S/O DASHRATH CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Palodkar Devdatt P
AGP for Respondents: A.R. Kale
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 09.06.2017.

PC. :-

1. The petitioner, who is a licence holder in respect of one liquor shop at Vaijapur, is challenging a communication from the concerned police officials which is termed as an order referable to Section 142 (2) of the Maharashtra Prohibition Act, 1949.

2. It is submitted that though a liquor license was not disturbed or interfered with and the shop was permitted to be shifted, yet, after shifting the location of the shop, the petitioner was not allowed to carry on his business. The notice issued by the Police Inspector of Vaijapur Police Station on 17.05.2017 had directed closure of shop for a period of 30 days i.e. because of

law and order problem. That arose because protest was launched by the residents as they did not want a liquor shop in a residential locality. Fearing that there would be a law and order problems, the petitioner was directed to close down the liquor shop. The closure was for a period of 30 days.

3. It is this order which is challenged in this Writ Petition. We have heard both sides. We are not inclined to interfere with the order under challenge as it is the duty of the police authorities to maintain law and order and when they are performing such duties, they have been conferred with enough discretionary powers, so as to take further measures and for preventing any untoward incident or deterioration of the law and order situation. If the law and order has to be maintained, such direction not be interfered with, particularly when the action is not malafide. In the present case, we do not see any reason to interfere with the order of the authorities namely the police, though, the issues of their jurisdiction and authority have been raised. We do not wish to enter into the same. In view of that, we keep those issues open for decision in an appropriate case. We have found that the petitioner has closed down the shop from 17.06.2017 till today. Therefore, we are of the view that, if the shop is directed to remain closed only till 12.06.2017 with permission to re-open the same on that date, that would

serve the ends of justice. While we reduce the period from 30 days as above, we clarify that it would be open for the police authorities and all the concerned state officials to once again resort to such powers which are conferred by law to prevent any law and order problem or to maintain the same. Reserving such powers, we dispose of this writ petition. The period of closure shall stand reduced as above.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]