

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6897 OF 2017

ALKA ANIL CHAUDHARI THROUGH G.P.A. HOLDER AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. A.B. Kale, Advocate for the petitioners

Mr. A.B. Girase, Government Pleader and Mr. A.R. Kale, A.G.P. for the
respondent/State

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

DATE : 28-07-2017

ORAL ORDER :

1. Having heard Mr. A.B. Kale, learned counsel appearing on behalf of the petitioners and perusing this Petition with all the annexures thereto, we are satisfied that the issue is covered by two orders dated 07/07/2017 and 10/07/2017, respectively, passed by this Bench in Writ Petition no. 5182 of 2017 and Writ Petition no. 6879 of 2017 with other matters, wherein, this Court has specifically held that once the Shops / Establishments come within the distance of 500 Meters of the State Road / State Highway / National Highway, then, the judgment and order of the Hon'ble Supreme Court in the case of **The State of Tamilnadu Rep. by its Secretary Home, Prohibition**

and Excise Dept. and others Vs. K Balu and anr. [(2017) 2 SCC 281], has been applied by the Collector and correctly.

2. It was also held that Shops / Establishments and their owners or Operators have no vested right together with an ordinary resident, in insisting on a particular portion or a Highway or a Road be de-notified.

3. In such circumstances, this Writ Petition is also disposed of in the light of those orders passed by us, referred supra. There would be no order as to costs.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/