

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

CIVIL APPLICATION NO. 12460 OF 2017
IN RAST/32663/2017

WITH
REVIEW APPLICATION (STAMP) NO.32663 OF 2017
IN
WRIT PETITION NO.3157 OF 1994

RAJENDRA SHANKARLAL JAISWAL AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Applicants : Shri Kakade Amol N..
AGP for the Respondents/ State : Shri S.K.Tambe.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 21st November, 2017

Per Court:

(a) Civil Application No.12460/2017:-

1 The learned Advocate for the Applicants submits that since the delay is of only 26 days, the same may be condoned and he is prepared to address the Court on the Review Application as well.

2 Considering the above and after hearing the learned AGP, the delay of 26 days is condoned and the Civil Application is allowed accordingly.

(b) Review Application (stamp) No.32663/2017:-

3 Insofar as the Review Application is concerned, the learned Advocate for the Applicants strenuously contends that recently appropriate authorities have passed an order and have closed down the shop of the Applicants. He submits that CL-III Licence No.131/1985/86 was earlier held by the original Petitioner Udaykumar Jaiswal. Subsequently, it was transferred to the Applicants (Rajendra Jaiswal and Umesh Jaiswal) from 01.09.2015. He, therefore, submits that by the impugned order, the original Petitioner was permitted to show cause as against the impugned show cause notice or make a fresh application for seeking a fresh licence. The original Petitioner no longer continues to hold the said licence and as such, the order under review is likely to affect the rights of the Applicants.

4 Upon considering the submissions of the learned Advocate for the Applicants and the learned AGP appearing on behalf of the Respondents/ State, I do not find that the order under review would in any way prevent the Applicants from challenging the order dated 05.10.2017 by which, the shop run by the Applicants has been shut down. The Applicants contend that they are not covered by the judgment of the Honourable Supreme Court with regard to the prohibition on operating such CL-III Licence shops for vending liquor within 500 metres of the national/state highways.

5 In my view, the above contentions cannot be a ground for review inasmuch as, if the Applicants desire to challenge the order dated 05.10.2017, they would obviously be at liberty to raise all contentions as against the new cause of action.

6 In the light of the above, the Review Application being devoid of merit is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)