

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12269 OF 2017

Navnath S/o Motiram Shirale

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr.C.V. Thombre advocate for the petitioner

Mr.S.P. Sonpawale, AGP for Respondents

CORAM : **R. M. BORDE & VIBHA KANKANWADI, JJ**

(Date: October 9th 2017)

PER COURT :-

1 The petitioner is objecting to the direction issued by the Collector Beed on 29.9.2017 to close down country liquor shops and foreign liquor shops operated under the country liquor licenses and the foreign liquor licenses, for sale of liquor on 6.10.2017, 7.10.2017, 8.10.2017 and 9.10.2017.

2 The polling for elections to the local authorities i.e. grampanchayat was required to be held in the district on 7.10.2017; whereas 9.10.2017 was the date prescribed under the programme for counting of votes. The Collector, taking recourse to rule 26(c) (1) & (2) of Country Liquor Rules as well as rule 9(a) (2)(c) and rule 10 of the Maharashtra Foreign Liquor Rules directed closure of the shops. Rule 6(c)(2) provides that the licenses shall be kept closed for the sale of country liquor on the day or days on which poll in relation to any general election or

by-election to any local authority in the State is taken in the constituency in which such premises are located and a day immediately before the day of poll and on the counting day.

3 The Collector was, as such, justified in issuing the order directing closure of the shop on 7th and 9th October, 2017. So far as 8.10.2017 is concerned, in view of section 26(1)(b)(vii), since the day fall within the prohibition week i.e. between 2.10.2017 and 8.10.2017, the Collector was justified in directing the closure of the shops on 8.10.2017. It is within the competence of the Collector to direct closure of shops in a prohibition week from 2nd to 10th October, 2017 on any two days. In exercise of powers conferred under the said Rules, the Collector has directed closure of the liquor shops on the above quoted dates. Similar provisions find place in The Maharashtra Foreign Liquor (Sale on Cash Register of Sales etc) Rules, 1969.

4 In view of the reasons as recorded above, no interference is called for in exercise of extraordinary jurisdiction under article 226 of the Constitution of India.

5 Petition is devoid of substance and hence stands rejected.

(**VIBHA KANKANWADI, J.)**

(**R. M. BORDE, J**)