

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION STAMP NO.517 OF 2017

Anant Dattatrya Patil
Sole Proprietor of M/s. Hotel Anacel
Bar & Restaurant : **Petitioner.**
versus
The Commissioner of Police
Navi Mumbai and anr. : **Respondents.**

Mrs. Veena Thadhani for the Petitioner.
Mr. S L Babar, AGP for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 10th January 2017

P.C.

1 The cause for invocation of the writ jurisdiction of this Court is the fact that the Petitioner's application for stay pending Appeal filed by him before the State Government is not being taken up for consideration.

2 The Commissioner of Police, Navi Mumbai by order dated 03/01/2017 has suspended the Petitioner's Premises License and Performance License for a period of 15 days for the reasons mentioned in the said order. Against such an order an Appeal lies before the State Government under Section 33 of the Police Act.

3 In my view, considering the fact that the suspension of licenses is for a period of 15 days, the interest of justice would require that the Appeal

itself filed by the Petitioner is directed to be decided within a particular time frame. The Appellate Authority i.e. the Principal Secretary, Home Department, State of Maharashtra (Appeals and Security) is directed to hear and decide the Appeal within a period of two weeks from date. Pending such decision, the impugned order dated 03/01/2017 passed by the Commissioner of Police, Navi Mumbai would stand stayed. The grant of stay should not be construed as any expression of opinion on the merits of the case of the Petitioner. The Appellate Authority would consider the Appeal on its own merits and in accordance with law. Needless to state that if the Appeal is dismissed then the Petitioner would have to undergo the balance suspension period as would be decided by the Appellate Authority or by the concerned Court if the occasion so arises. With the aforesaid directions, the above Writ Petition to accordingly stand disposed of.

4 The parties to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[R.M.SAVANT, J]