

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

WRIT PETITION NO.1243 OF 2015

Ram Keshav Patil & Others. .. Petitioners.
Vs.
The State of Maharashtra & Others .. Respondents.

Mr. Sham V. Walve for the Petitioners.
Mr. Manish Pabale AGP for the Respondent Nos.1 to 3.
Mr. D.B. Savant with Mr.Santosh L. Patil, Mr.Vinayak Salunkhe for the Respondent No.4.

CORAM : A.S. OKA & A.K. MENON, JJ.

DATED : 7TH APRIL, 2017

P.C.

1. Heard learned counsel for the petitioners and learned counsel for the respondents.

2. FL-II Licence No.380 granted to the fourth Respondent has been renewed on 18th January, 2014 perhaps on the basis of an order made by the State Government. Prayer clause (b) of this petition is for seeking a direction to the Respondents to consider the objections filed by the petitioners regarding grant/renewal/transfer of licence. The perusal of the written objections dated 20th December, 2014 (Exhibit-B) and 22nd January, 2015 (Exhibit-F) shows that the petitioners are relying upon an agreement allegedly executed by the fourth respondent in their favour for transfer of FL-II licence standing in the name of the fourth respondent. By

filing an additional affidavit the petitioners have expressed an apprehension regarding the transfer of the licence by the Respondent No.4.

3. The entire petition is founded on the alleged agreement between the petitioners and the fourth respondent under which the fourth respondent agreed to transfer the license to the petitioners. The remedy of the petitioners is enforce the alleged agreement if permissible under the law. Therefore, this writ petition under Article 226 of the Constitution of India cannot be entertained. Petition is disposed of accordingly. However, the remedy of the petitioners as indicated above is kept open.

(A.K. MENON, J.)

(A.S. OKA, J.)