

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.30 OF 1998

Japps Hotel	...	Petitioner
Vs.		
State of Maharashtra and others	...	Respondents

None for Petitioner.
Ms M. S. Bane, AGP for Respondents-State.

CORAM : R. G. KETKAR, J.
DATE : MAY 23, 2017

ORDER :

Heard Ms Bane, learned AGP for respondents.

2. By this Petition under Article 226 of the Constitution of India, petitioner has prayed for declaration that the action of the respondent in preventing the petitioner from having music and dance on recorded music is illegal as no performance and / or premises licence is required to be obtained by the petitioner. In the alternative, petitioner has sought direction to the respondents to forthwith issue the requisite licence in response to the application made by the petitioner. By order dated 29.12.1997, ad-interim order in terms of prayer clause (c) was granted. By subsequent order dated 04.07.2002, Rule was issued and the interim relief granted earlier was ordered to continue.

3. Ms Bane submits that Mr. A. V. Sharmale, Assistance Police Inspector, Desk-10 (Hotel Branch) from the Office of the Commissioner of Police is present in the Court. She has tendered communication dated 22.05.2017 addressed by the Police Inspector, Desk-10 (Hotel Branch), Office of the Commissioner of Police, Greater Mumbai. The same is taken on record and marked 'X' for identification. Upon taking

instructions, she states that petitioner is issued premises licence for conducting orchestra bearing No.749/16 on 08.02.2016 and No.784/16 on 10.08.2016.

4. As the petitioner is already issued licences premises licence for conducting orchestra, nothing survives in this Petition and the same is rendered infructuous. Petition is accordingly disposed of. Rule is discharged. In the circumstances of the case, there shall be no order as to costs. As the petitioner and their Advocate are absent, liberty is reserved to the petitioner to file review petition, if so advised. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab