

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5540 OF 1997

Hotel Pratiksha (Bar & Restaurant) ... 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 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 performance licence in response to the application made by the petitioner. By order dated 19.11.1997, this Court issued Rule and refused interim relief.

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 despite of the order passed by this Court, petitioner did not submit the documents and licence was refused on 19.04.1999. Against that decision, petitioner did not prefer any appeal.

4. In view thereof, no relief can be granted to the petitioner. Hence, Petition fails and the same is dismissed. 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