

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6449 OF 2017

Hotel Rasika & Others	..	Petitioners.
v/s.		
The State of Maharashtra and ors.	..	Respondents

WITH
WRIT PETITION NOS. 6467, 6468, 6469 OF 2017
ALONG WITH
WRIT PETITION (ST.) NOS. 15760, 16206, 16208
AND 16214 OF 2017

Mr. Sagar A. Mane, for the Petitioner in Writ Petition Nos.6449, 6468, 6469 of 2017 and Writ Petition (St.) No. 15760 of 2017.
Mr. Prashant Darandale, for the Petitioner in Writ Petition No.6467 of 2017.
Mr. R. A. Naik i/b. Mr. Umesh R. Mankapure for the Petitioner in Writ Petition (St.) Nos. 16206, 16208 and 16214 of 2017.
Mr. P.P. More, AGP for the Respondent- State in all the Writ Petitions.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**
DATE : 16th JUNE, 2017.

COMMON ORDER :

In this bunch of petitions, the petitioners have challenged the closure of their establishments/shops/hotels /permit rooms for doing business of liquor by the respective Collector/Superintendent of Excise on the ground that they fall within 500 meters from the State Roads.

2 The grievances of all the petitioners is that their premises/establishments/shops/hotels / permit rooms are not falling within the State Highways or National Highways and they are 500 meters away from the State Highway and that the directions of the Supreme Court are not at all applicable to them. They contend that without taking into consideration all these aspects, the respondent authorities have passed a blanket order for closing down, sealing and stopping their liquor business.

3 Mr. More, learned AAGP, submits that the impugned orders have rightly been passed taking into consideration the fact that the petitioners establishments stand covered by the orders dated 15th December 2016 and 31st March 2017 made by the Hon'ble Supreme Court in *State of Tamilnadu Vs. K. Balu (Civil Appeal Nos.12164 – 12166 of 2016)*.

4 Having considered the submissions made by the learned Counsel for the parties, we find that the impugned orders have been passed without ascertaining in each case as to whether premises in-question fall within 500 meters of the State Highways or are otherwise covered by the aforesaid orders made by the Hon'ble Supreme Court. However, considering that there are serious factual and other disputes involved, we are inclined to dispose of this bunch of petitions by directing Secretary, PWD (Road) Department, who will be assisted by the Commissioner for State Excise, State of Maharashtra to decide the grievances of the petitioners and the petitioners' contention that the Hon'ble Supreme Court's directions are not applicable to them. Let this

aspect of the matter be considered in each case by the said Secretary with assistance of the Commissioner for State Excise. It is open for the petitioners to appear through their representatives/associations.

5 For the aforesaid purpose, the present petitions may be treated as representations on behalf of the petitioners. In case, the petitioners desire to make any additional submissions or furnish any additional material, they may do so within a period of one week from today. The Secretary, PWD (Road) Department, shall consider such representations and the petitioners' contention that they are not covered by the orders made by the Hon'ble Supreme Court and pass a reasoned order thereon, as expeditiously as possible and in any case upto 5th July 2017.

6 It is made clear that only the cases in which the petitioners have been protected by interim orders, such protection shall continue until final decision by the Secretary.

7 With the aforesaid directions, all these petitions are disposed of, without expressing any opinion on the merits of the matters. All contentions of all parties are left open for determination by the Secretary, as aforesaid.

8 The Secretary to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)