

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

WRIT PETITION NO. 6033 OF 2017

Shankuntala Subhash Agavane

And Ors.

...Petitioners

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH

WRIT PETITION NO. 5822 OF 2017

Abhinandan Maruti Ghodkhe And Ors.

...Petitioners

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH

WRIT PETITION NO. 6034 OF 2017

M/s. Poonam Rajendra Badade And Ors.

...Petitioner(s)

Versus

The State Of Maharashtra Through

The Principal Secretary And Ors.

...Respondent(s)

WITH

WRIT PETITION NO. 6040 OF 2017

Rohit Rajendra Maspekar And Ors.

...Petitioner(s)

Versus

The State Of Maharashtra

Through The Principal Secretary And Ors.

...Respondent(s)

WITH

WRIT PETITION NO. 6041 OF 2017

Sandeep Nandkumar Mane

Through Partners And Ors.

...Petitioner(s)

Versus

The State Of Maharashtra

Through The Principal Secretary And Ors.

...Respondent(s)

**WITH
WRIT PETITION NO. 6042 OF 2017**

Satish Laxman Mane And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6043 OF 2017**

Amol Govind Patil And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6044 OF 2017**

Shankar Udhav Gore And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6045 OF 2017**

Amol Kedari Bhople ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6046 OF 2017**

Bharat Prabhakar Pise And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ..Respondent(s)

**WITH
WRIT PETITION NO. 6047 OF 2017**

Vijay Premkumar Girbani	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6048 OF 2017**

Arun Anandrao Bajage And Anr.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6049 OF 2017**

Jyotiram Tukaram Jadhav And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6050 OF 2017**

Nitin Eknath Mane And Anr.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6051 OF 2017**

Sachin Mahadev Tele And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6052 OF 2017**

Mahesh Madhukar Patil	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra	
Through The Principal Secretary And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6053 OF 2017**

Sandeep Patluba Patil	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra	
Through The Principal Secretary And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6054 OF 2017**

Uday Lahu Pujari	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra	
Through The Principal Secretary,	
(state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6055 OF 2017**

Susenbi Salim Shaikh And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra	
Through The Principal Secretary,	
(state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6056 OF 2017**

Shobha Prabhakar Bhosle	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra	
Through The Principal Secretary,	
(state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6057 OF 2017**

Jagannath Ramchandra Bhosle And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6058 OF 2017**

Bhiku Mugutrao Kadam	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6059 OF 2017**

Sujitkumar Bhoja Shetty	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6060 OF 2017**

Dipak Akkaso Salunke And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6061 OF 2017**

Madhura Ramesh Patil And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6062 OF 2017**

Arun Swarupsing Rajput	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6063 OF 2017**

Anita Padmalal Ghanwat And Anr.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6064 OF 2017**

Rahul Khatavkar And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6065 OF 2017**

Subhash Gajanan Mariye	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary, (state Excise) And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6066 OF 2017**

Suryakant Tatoba Koli And Ors.	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra Through The Principal Secretary And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6068 OF 2017**

Rupesh Amol Hibare And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6069 OF 2017**

Usha Kisan Bauchakar ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6070 OF 2017**

Rama Vithal Wagh ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6071 OF 2017**

Rajendra @ Rajaram Ramchandra
Patil And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6072 OF 2017**

Prabhakar Dattaram Pandit And Ors. . ..Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6073 OF 2017**

Shripat Gurunath Vardam And
Partners And Ors. ...Petitioner(s)

Versus

The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6075 OF 2017**

Mukund Baburao Nevase And Anr. ...Petitioner(s)

Versus

The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6076 OF 2017**

Bhairavnath Krushna Rajpure ...Petitioner(s)

Versus

The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6077 OF 2017**

Dipak Ramchandra Belvalkar
And Anr. ...Petitioner(s)

Versus

The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6078 OF 2017**

Shanishwar Pandurang Parkar And Anr. ...Petitioner(s)

Versus

The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6079 OF 2017**

Kamal Balasaheb Salokhe And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6080 OF 2017**

Vijay Uttam Sonawne ...Petitioner(s)
Versus
The State Of Maharashtra
Through The Principal Secretary,
(state Excise) And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6409 OF 2017**

Sandeep Shankar Jagtap ...Petitioner(s)
Versus
State Of Maharashtra,
Through Its Principal / Secretary And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6410 OF 2017**

Anand Satish Gavande And Ors. ...Petitioner(s)
Versus
State Of Maharashtra,
Through Its Principal / Secretary And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6411 OF 2017**

Subhash Shahuji Pawar And Ors. ...Petitioner(s)
Versus
The State Of Maharashtra And Ors. ...Respondent(s)

**WITH
WRIT PETITION NO. 6412 OF 2017**

Pramila Subhash Uplenchwar And Ors. ...Petitioner(s)
Versus
State Of Maharashtra,

Through Its Principal / Secretary And Ors. ...Respondent(s)

WITH

WRIT PETITION NO. 6413 OF 2017

Haresh Guralmal Kukreja ...Petitioner(s)

Versus

The State Of Maharashtra And Ors. ...Respondent(s)

WITH

WRIT PETITION NO. 6414 OF 2017

Dadasaheb Krushnaji Pharande And Ors. ...Petitioner(s)

Versus

The State Of Maharashtra And Ors. ...Respondent(s)

WITH

WRIT PETITION NO. 6416 OF 2017

Pramod Anant Mhadeshwar And Ors. ...Petitioner(s)

Versus

State Of Maharashtra,
Through Its Principal / Secretary And Ors. ...Respondent(s)

Mr.Govind B. Solanke for the Petitioner.

Mr.P.P. More, AAGP for the Respondents.

WITH

WRIT PETITION NO. 6398 OF 2017

Mango Hospitality And Ors. ...Petitioner(s)

Versus

The State Of Maharashtra And Ors. ...Respondent(s)

WITH

WRIT PETITION NO. 6402 OF 2017

M/s. Kolhapur Wine Shop,
Through Its Proprietor
Haridas Ramkrishna Sonawane And Ors. ...Petitioner(s)

Versus

The Collector Of Kolhapur, District Kolhapur ...Respondent(s)

**WITH
WRIT PETITION NO. 6403 OF 2017**

Hotel Le Meridien, Through Its General Manager, Jaswinder Narang	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6405 OF 2017**

Status Hotels Private Limited, Through Its Director	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra And Ors.	...Respondent(s)

**WITH
WRIT PETITION NO. 6406 OF 2017**

Hotel Nakshtra, Through Its Proprietor	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra And Ors.	...Respondent(s)

**WITH
Writ Petition NO. 6407 OF 2017**

Hotel Madhuban, Through Its Proprietor	...Petitioner(s)
<i>Versus</i>	
The State Of Maharashtra And Ors.	...Respondent(s)

Mr.Ashwin V. Sakolkar for the Petitioner in WP Nos. 6398 of 2017.

Mr.Pradeep D. Dalvi for the Petitioner in WP No.6402 of 2017.

Mr.Shrikrishna R. Ganbavle for the Petitioner in WP No.6403 and 6405 of 2017.

Mr.Sujay Gawade a/w Miss Anita Dubey i/b M/s. Shree & Co. for the Petitioner in W.P No.6406 and 6407 of 2017.

Mr.Govind B. Solanke for the Petitioner in W.P. No.6033 of 2017.

Mr.P.P. More, AAGPfor Respondent-State.

**CORAM : SHANTANU S. KEMKAR &
M.S. SONAK, JJ.**

DATE : 15th JUNE 2017

COMMON ORDER :

- 1] Not on board. Upon mentioning taken on board.
- 2] 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.
- 3] 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.
- 4] Mr. P.P. More, A.A.G.P., 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)*.

5] 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.

6] 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.

7] 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.

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

(M.S. SONAK, J.)

(SHANTANU S. KEMKAR , J.)