

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

WRIT PETITION NO.9532 OF 2017

Kisan Maruti Jadhav

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Arvind K. Tiwari for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondent-State.

CORAM : SHANTANU KEMKAR &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 11th SEPTEMBER, 2017.

P.C.:-

Not on board. Taken on board.

2. Although in the Petition, the Petitioner has sought relief under prayer clause (b), but during the course of hearing of this Petition, the learned counsel for the Petitioner made prayer that this Petition may be disposed of in terms of order dated 25th February, 2016 passed in Writ Petition No.5376 of 2013.

3. The aforesaid prayer has not been opposed by the learned AGP. We, therefore, dispose of the Petition in following terms:

(a) In fact the Petition is filed only on apprehension.

According to Mr. Tiwari, the learned counsel, some villagers have filed representations demanding closure of the Petitioner's shop which is being run under CL-III license. The learned counsel submits that, representations are given to the Authority and if, any action is to be taken, the Petitioner should be first heard. The learned counsel relies on the judgment of the learned Single Judge of this Court delivered at Nagpur Bench in Writ Petition No.1824 of 2014 dated 27th July, 2015 and the Circular dated 7th September, 1994.

- (b) We have heard the learned Assistant Government Pleader also.
- (c) The learned A.G.P states that the Authority would follow the provisions of law before taking any action.
- (d) In case, the Authority wants to take any action for closure of the shop of Petitioner, then only Petitioner would be entitled for the show cause notice and the reply of Petitioner will have to be called and considered by the Authority.

4. With these observations, the writ petition is disposed of. No costs.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)