

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

PUBLIC INTEREST LITIGATION NO.66 OF 2015

(Academy of Nutrition Improvement, Nagpur ..vs.. State of Maharashtra, through its Secretary,
Department of State Excise, Mumbai)

WITH

PUBLIC INTEREST LITIGATION NO.82 OF 2016

(Babulal s/o Jijoba Turkar and others ..vs.. State of Maharashtra, through its Secretary, Mantralaya,
Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI AND
ROHIT B. DEO, JJ.**

DATED : 21-06-2017

Heard learned Advocates Shri A.S. Kilor and Shri M.V. Samarth for respective petitioners, learned Acting Government Pleader for respondent/State and learned Advocate Mrs. Mughada Chandurkar for respondent No.4 in Public Interest Litigation No.82/2016.

By order passed on 09-03-2017, this Court has expected State Government to consider the issue of lifting ban on trade of Mhowra flowers urgently. Learned Acting Government Pleader submits that issue is being considered and it will take some more time as various other aspects need to be examined and provided for.

It is not in dispute that in the order dated 09-03-2017 passed by this Court on page No.2 in first

line word “not” needs to be substituted by word “lot”. Accordingly, with consent of all, we correct that order.

The next season in which Mhowra flowers become available will commence somewhere in February-March 2018.

Looking to our order and other contentions raised in the matter, we direct State Government to take necessary decision as early as possible and in any case within a period of three months from the date of communication of this order to it by the petitioners. If necessary, an opportunity of hearing shall be extended to the petitioners or their representatives.

Learned Advocate Shri M.V. Samarth has pointed out that in Public Interest Litigation No.82/2016, other consequential challenges to the Rules already framed are also raised. We find that challenge to those rules can be considered after the State Government takes necessary decision as per directions of this Court. If the ban is lifted, *prima facie* Bombay Mhowra Flowers Rules, 1950 may require some amendments. We, therefore, keep all challenges raised in Public Interest Litigation No.82/2016 open.

With liberty to that petitioner to approach again if any cause of action rises, we dispose of both the petitions. No costs.

JUDGE

JUDGE

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