

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 6885 OF 2015

RAMESH MAHADU BADEKAR
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Bora Satyajit S.
AGP for Respondent-State : Mr. S. N. Morampalle

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CORAM : V. K. JADHAV, J.
DATED : 14th MARCH, 2018

PER COURT:-

1. The learned counsel for the petitioner, on instructions, submits that the trust registered under the provisions of the Maharashtra Public Trust Act, 1950, named and styled as 'Om Shree Sadguru Gyandasji Sevabhavi Sanstha' is not a party applicant before the authorities concerned to seek license to run Card Room for the purpose of amusement only to the members. Learned counsel, on instructions, fairly submits that in the original application dated 20.01.2009, name of the aforesaid trust is not mentioned as applicant and even the status of the present applicant in connection with the said trust is also not set

out/explained in the said application. The learned counsel, on instructions, submits that the present applicant is the trustee of the aforesaid trust. The learned counsel, on instructions, seeks leave to withdraw this Writ Petition with liberty to file an application before the concerned authority in the name of the trust for obtaining license under the provisions of the Rules For Licensing And Controlling Places of Public Amusements (Other Than Cinemas) And Performances For Public Amusement, Including Cabaret Performances, Discotheque, Games, Pool Game Parlours, Amusement Parlours Providing Computer Games, Virtual Reality Games, Cyber Cafes, Games With Net Connectivity, Bowling Alleys, Card Rooms, Social Clubs, Sports Clubs, Melas And Tamashas Rules, 1960 (for short, "Rules of 1960") and if such application is filed, the authorities may be directed to consider the said application without getting prejudiced by the earlier order of rejection.

2. In view of the above submission, leave granted. The Writ Petition is disposed of as withdrawn with liberty to file an application seeking license under the provisions of the Rules of 1960 in the name of the trust viz. Om Shree Sadguru Gyandasji

Sevabhavi Sanstha, through its trustee, as per the resolution passed by the trust. If such application is filed, the concerned authority may consider the same in terms of the provisions of the said Rules of 1960, in accordance with law and on its own merits without getting prejudiced by the earlier order of rejection passed on the application submitted by the present petitioner.

(V. K. JADHAV, J.)

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