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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
502 WRIT PETITION NO. 6389 OF 2018**

MAHARASHTRA WINE MERCHANTS ASSOCIATION THROUGH ITS
MEMBER AJAY JAIPALDAS NAGRANI ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Vikram S. Undre, Advocate for the Petitioner.
Mr. S. B. Yavalkar, AGP for Respondents-State.

...

**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.
DATED : 22nd JUNE, 2018.**

PER COURT:-

1. Not on board. Upon mentioning taken on production board.

2. We have heard Mr. Undre, learned counsel for the petitioner and Mr. Yavalkar, learned AGP for respondent-State.

3. The challenge is to the order dated 14.06.2018 passed by the Collector under the provision of the Maharashtra Country Liquor Rules, 1973, so also the Maharashtra Foreign Liquor Rules as detailed in the said order.

4. It is submitted by the learned counsel that the ban to sell liquor is imposed for 24.06.2018 and upto 05.30 pm of 25.06.2018. According to the learned counsel, the reasons for

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the said ban is the election for the Members of Legislative Council from Teachers Constituency. The voters from district Jalgaon for the said election would not be more. The said ban is unreasonable. The learned counsel submits that in other case of similar ban imposed by the Collector of Mumbai and Thane, the Bombay High Court has restricted the ban only to the date of poll and has lifted the ban imposed from selling liquor one day prior to the poll. The learned counsel also submits that in case of Raigad district, similar ban has been vacated by the Court and the ban is reduced to the day of poll.

5. Mr. Yavalkar, learned AGP submits that it is within the powers of the Collector to impose such ban as per the Rules, such as Rule 26 of the Maharashtra Country Liquor Rules and similar powers under the other acts mentioned in the order. The Election Commission has issued letter as per the provisions of Section 135 (c) of the Representation of the Peoples Act, 1951, wherein ban for selling liquor has to be imposed prior to the day of poll.

6. We have considered the submissions. The petitioner has moved this Court on the eleventh hour. The order is passed on 14.06.2018 by the Collector and the petition is filed today i.e. on 22.06.2018. The other side also does not have opportunity to present its case. The petitioner has relied on the order passed at the Principal

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Seat at Bombay, wherein the ban is restricted to the day of poll.

7. Considering the fact that the other side does not have any opportunity, we pass the following order:

ORDER

(i) The petitioner may approach the Collector, Jalgaon with a request to reconsider the ban imposed for 24.06.2018. The petitioner is at liberty to place before the Collector the orders passed by this Court at its Principal Seat at Bombay with regard to same matters. If the petitioner approaches the Collector, the Collector shall consider the same and take immediate decision before 24.06.2018.

8. The AGP shall intimate this order immediately to the Collector of Jalgaon.

9. Parties to act on the authenticated copy of this order.

10. Writ Petition is disposed.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE