

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

Writ Petition No.3799 of 2018

Shankar Laxminarayan Jaiswal

vs.

State of Maharashtra, through the Principal Secretary (State Excise), Mumbai & others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri D.P. Bhongade, Advocate for the Petitioner.
Ms. Ritu Kalra, A.G.P. for Respondent Nos.1 to 3.

CORAM : S.B. SHUKRE, J.
DATE : 3rd JULY, 2018.

Heard the learned Counsel for the petitioner and the learned A.G.P., who appears by waiving the notice on behalf of respondent Nos.1 to 3.

The order dated 13/08/2015 passed by the State Excise Superintendent, Yavatmal is under challenge in this petition. By this order, the petitioner and respondent No.4, who are siblings, have been informed that their respective applications for transfer of CL-III Licence in their respective names could not be considered till the dispute regarding inheritance and right to claim the property and benefits arising from them belonging to their father is not finally resolved by the Civil Court. Such an order cannot be found to be patently illegal or perverse. After all, when brother and sister are fighting with each other, and each of them

claim priority right of inheritance, the authority like the State Excise Superintendent cannot do anything but wait for adjudication of such a dispute by the competent civil Court finally and this is what has been done by the impugned order.

There is no merit in the petition. The writ petition stands dismissed summarily.

**sandesh*

JUDGE