

IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.

WRIT PETITION NO. 7017 OF 2018

M/s. Rimjhim Bar.

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

.....
Shri. Anil Kasliwal (Jain), Advocate for the petitioner
Shri. K. B. Jadhavar, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 13TH MARCH, 2019

ORAL ORDER:

1. The petitioner had applied for renewal of license at the transferred place. According to the respondents, as per the Maharashtra Panchayat Extension to Scheduled Area (Prohibition and Regulation of Licensing) Rules, 2015, the petitioner is required to obtain the opinion of the Gram Sabha.

2. Shri. Kasliwal, learned counsel for the petitioner relies on the order passed by the Division Bench of this Court at Nagpur in Writ Petition No. 3390 of 2015 with connected matters dt. 23.11.2016 and submits that such requirement is for starting new business and not for renewal of license.

3. The petitioner was doing his business at Mastanpura, Dist. Nanded under license. Now the said business i.e. CL-III license is shifted to village Bodhadi, Tq. Kinwat, Dist. Nanded, under the orders of the Government and the license is sought to be renewed. The Division Bench of this Court at Nagpur in the above referred Writ Petition has observed that, the said requirement is to start new business and not for renewal of license. At the time of shifting, no objection of Gram Panchayat was obtained as is contended by the petitioner.

4. In light of the above, for renewal of license, the opinion of the Gram Sabha would not be necessary. The impugned order is quashed and set aside. The respondents shall process the application for renewal of license accordingly.

5. The Writ Petition is accordingly disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde