

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

13 WRIT PETITION NO.5056 OF 2019

SUBHASH RAJARAM BHATNASE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Kasliwal Anil H.
AGP for Respondents/State : Mr. K.N. Lokhande

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**
DATE : 12.06.2019

PC. :-

It is submitted that the petitioner has filed an application on 27.03.2019 for renewal of licence, however the authority is insisting for the resolution of the Gram sabha.

2. We have heard the learned A.G.P. also.
3. The issue is no longer res integra. Same order page 24
4. The learned counsel for the petitioner submits that Clause 4 of the notification dated 04.03.2015 is wrongly interpreted by the respondents. The petitioner has been granted CL-III licence prior to the notification dated 04.03.2015 i.e. prior to the enactment of Maharashtra Panchayat Extensions to Scheduled Area (Prohibition and Regulation of Licensing) Rules, 2015. The

said rules were subject matter of the interpretation before the Division Bench of this Court at Nagpur in Writ Petition No.3390 of 2015 with connected writ petitions. The Division Bench of this court at Nagpur under the Judgment dated November 23, 2016 allowed the writ petitions and directed to consider the application of the renewal of the licence of the petitioners therein without insisting upon the resolution of the Gram Sabha.

5. Mr. K.N. Lokhande the learned A.G.P for Respondent No.1 on going through judgment dated November 23, 2016 in Writ Petition No.3390 of 2015 with connected writ petitions decided at Nagpur Bench accedes that the petitioner is covered under the said judgment.

6. For the reasons recorded in the judgment dated November 23, 2016 in Writ Petition No.3390 of 2015 with connected writ petitions (supra), we direct the respondents to consider the application of the petitioner for renewal of his licence without insisting upon the resolution of the Gram Sabha No Objection as required under Rule 4 of the Rules of 2015. Writ petition is accordingly allowed. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]