

(1)

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

WRIT PETITION NO.4568 OF 2019

Smt. Saraswatibai Ganpatrao Marakwar,
Age: 60 years, Occu: Business and
Proprietor of Hotel Chandra,
Bhokar, Tal. Bhokar, Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
State Excise Department,
Mantralaya, Mumbai – 32
2. The Commissioner of State Excise,
Maharashtra State, Mumbai
3. The District Collector, State Excise,
Nanded, Tal. & Dist. Nanded
4. The Superintendent, State Excise,
Nanded, Tal. & Dist. Nanded

..RESPONDENTS

Mr S. S. Thombre, Advocate for petitioner;
Mrs D. S. Jape-Ansingkar, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE
AND
NITIN W. SAMBRE, JJ.**

DATE : 10th April, 2019

ORAL ORDER:

Heard Mr Thombre, learned Counsel appearing on behalf of the
petitioner.

(2)

2. The petitioner is challenging the order dated 1st April, 2019, passed by the Collector, Nanded, whereby the Collector, Nanded directed the petitioner to close down the transaction in relation to the FL-III licence granted in his favour.

3. Mr Thombre, learned Counsel for the petitioner submitted that on receiving a complaint, the Collector called upon the parties i.e. the petitioner – licensee and the objector for hearing. According to him Collector is in the process of hearing the parties and passing appropriate orders.

4. In view of aforesaid submission of learned Counsel for the petitioner, we may safely treat the order dated 1st April, 2019 as an interim order. The petition itself can be disposed of with directions to respondent No.3 – District Collector, State Excise, Nanded, to decide the proceedings initiated by him on objection/complaint, as expeditiously as possible and preferably within a period of six weeks from the date of receipt of the order of this Court. We expect the Collector to be sensitive to the position in law about his powers to go into disputed questions of fact.

(3)

The petition is accordingly disposed of.

The Registry to issue authenticated copy of this order to learned Counsel for the petitioner and learned Asstt. Govt. Pleader for respondents.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

sjk