

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

901 WRIT PETITION NO.4589 OF 2016

KHULBHUSHAN CHANDANLAL JAISWAL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. R. S. Deshmukh
AGP for Respondents- State: Mr. S. P. Sonpawale

...

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATED : 19th DECEMBER , 2019.

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PER COURT :

1. Heard learned counsel Mr. R. S. Deshmukh, for the petitioners. By way of present writ petition, the petitioners, who are holding CL-III licenses either in their name or in partnership for running CL-III business have challenged Government circular dated 30.01.2016, whereby directions were issued from the office of Commissioner of State Excise to All Collectors and the Superintendents of State Excise to register the cases against the CL-III license owners, who have indulged in an act of selling the liquor at a price more than maximum retail price by suspending or cancelling the licences.

2. The learned counsel for the petitioners, on instructions, submitted that another circular is issued by State Government on 14th September, 2019 and in view of that circular, the petitioners be permitted to withdraw the petition. The circular dated 14th September, 2019 is taken on record and marked as 'X' for identification. The circular states that the rider of selling the liquor on maximum retail price is applicable to those licenses holders who the sale the liquor in sealed bottles. If the circular then states this rider may not be applicable in cases wherein liquor is served by opening the sealed bottles. Now this circular dated 14th September, 2019 is an independent circular and it nowhere refers to supersession of the circular dated 30.01.2016, which is challenged in the petition.

3. In view of these facts, the writ petition is permitted to be withdrawn at the request, will, wish and risk of the petitioners. The petition is accordingly disposed of.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

vsm/-