

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8537 OF 2019

CHANDRABHAN ATMARAM AGRAWAL
AND OTHERS

...PETITIONERS

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. R.R. Mantri, Advocate for Petitioners
Mr. S.P. Tiwari, AGP for Respondents-State
Mr. A.A. Yadkikar, Advocate for Respondent No. 5

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 06th SEPTEMBER, 2019

ORAL ORDER:

1. We have heard Mr. Mantri, the learned Counsel for the petitioner. One of the submissions amongst other submissions made by the learned Counsel is that the order of the Collector is without jurisdiction. He has not considered the circular dated 28th February, 2019 and order is passed relying on old circular.
2. Mr. Yadkikar, the learned Counsel for the respondent No. 5 submits that the petitioner has remedy of appeal under Section 137 of the Maharashtra Prohibition Act.
3. All the aspects including the powers of the Collector can be considered by the Commissioner in Appeal.

4. In view of the above, we are not inclined to consider the petition on merits. The petitioner may file an appeal before the Commissioner as provided under section 137 of the Maharashtra Prohibition Act.

5. If the appeal is filed before 19th September, 2019, the same shall be considered within limitation. As it is submitted by the learned Counsel for the petitioner that the appeal would be filed on 19th September, 2019. On the said date, the respondent No. 3 shall also remain present before the Commissioner. In view of that, separate notice is not necessary.

6. The Appeal shall be decided within two months from the date of filing of the Appeal.

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

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

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