

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

909 PUBLIC INTEREST LITIGATION. 114 OF 2019

**YADAV PIRAJI KOLNURE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioners : Mr. A.H. Kasliwal
AGP for Respondents State : Mr. S.G. Sangle
...

**CORAM : PRASANNA B. VARALE AND
AVINASH G.GHAROTE, JJ.**

DATED : 26th SEPTEMBER, 2019.

ORAL ORDER :

Heard Mr. Kasliwal, learned counsel for the petitioner at length.

2. The submission of the learned counsel is that the petitioners have raised grievance in the nature of public interest, by raising an objection along with other residents for transfer of the country liquor shop.

3. Perusal of documents placed on record clearly show that request is made to the Superintendent of the State Excise for shifting of country liquor shop from

the place known as village Hanegaon, Taluka Degloor, District Nanded to village Ramtapur, Taluka Degloor, District Nanded. Admittedly, this application is pending before the Competent Authority for its decision. Now, the documents placed on record by the petitioners themselves show that a resolution was passed by the Grampanchyat, Ramtapur unanimously in favour of shifting of the country liquor shop, to village Ramtapur. Not only this, necessary certificates are also issued by the Grampanchyat, Ramtapur.

4. Mr. Kasliwal, learned counsel for the petitioners submits that the petitioners along with other twelve persons and other residents filed representations to the Superintendent of the State Excise, Nanded on 22.7.2019. Perusal of the representations show that those were submitted to the Collector on 14.7.2019. The representations state that those are submitted by the applicants, whereas

the only signatory to this representations is the petitioner No. 1. If the representation dated 22.7.2019 submitted to the Superintendent is perused, it shows that there are 14 applicants, who have submitted the same and the population of the village Ramtapur is 864, which is revealed from the certificate placed on record by the petitioner himself, which certificate is issued by the Gram Sevak, Ramtapur and which is as per the Census of 2011.

5. Be that as it may, we see no reason to entertain this petition at this stage on the ground that the petition is premature. The authorities i.e. the Superintendent, State Excise and the Collector, are yet to apply their mind on the application received for shifting of the license and the objection by the respective authorities, namely, the Superintendent of State Excise and the Collector, Nanded. There is no reason for us at this stage to

proceed on the premise that these authorities would not act as per the provisions of law and more particularly the provisions of the Maharashtra Country Liquor Rules, 1973 as applicable. Considering all these aspects we are unable to entertain the petition. Accordingly, the Public Interest Litigation is dismissed at the threshold.

(AVINASH G. GHAROTE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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