

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 PUBLIC INTEREST LITIGATION NO.120 OF 2012

SACHIN PURSHOTTAM BHAIKAVKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Shri Ajinkya Kale h/f Shri
Talekar S.B. and Shri U. R. Awate

AGP for Respondent nos.1 to 5: Mrs.M.A. Deshpande

Advocate for Respondent no.6 : Shri Arvind K. Tiwari

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] On the one hand huge revenues are generated by levying excise and additional duties on alcohol, simultaneously the State professes to eradicate the evil of alcohol. Quaint Gandhiana !
- 3] The State of Maharashtra has a policy empowering the women to prohibit sale of alcohol in their village if 50% of the adult women resolve that the liquor vent be closed. It has to be proceeded by 25% women moving the resolution.
- 4] As per the petitioner, 50% of the women in village Savalvihir (Budruk) Tq.Rahata Dist.Ahmednagar resolved and submitted a

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representation on 26.12.2011 that the liquor shop in their village be closed. It was statedly causing a nuisance. The grievance is that the authorities ignored the representation made by the womenfolk of the village.

5] The reply filed refers to the Census figures and pleads that as per the Census, 2322 women resided in the village. 20% thereof would be 590. It is pleaded that the representation received contained signatures of 716 women. The inspecting team of the State Excise Department verified the signatures. 280 women stated that they were misguided into signing the resolution for they were informed that the representation was to augment the civic amenities in the village. It is pleaded that 265 women denied having signed the resolution, 4 were dead and somebody have impersonated when 11 were not residing in the village and even their signatures were forged. Thus, the number of women who submitted the representation was less than 25%.

6] Needless to state, in the rejoinder filed, the petitioner denies the stand taken in the reply filed.

7] It would be a highly disputed question of fact as to whether the women who appended their signatures on the representation were misled, how many had died and how many were not residing in the village.

8] We are in the year 2019 today. The solution to the vexed problem is to direct that if the womenfolk of the village decide as of today that the liquor vent in the village be closed, they would be permitted to make a requisition to the Tahsildar in-charge of the revenue estate of the village. Upon receipt of the requisition, the Tahsildar shall convene a meeting of the womenfolk of the village and give publicity of the meeting by notifying the date and the time of the meeting. The Tahsildar would conduct the meeting on the date and time notified by him. In the register maintained, the signatures of the women who attend the meeting would be obtained separately. The resolution as per the requisition would be put to vote and such number of women who support the motion would be obtained so that there is authenticity to the fact as to what number of women supported the resolution to stop sale of alcohol in their village. If more than 50% of the women vote in support of the resolution to close the liquor vent, the excise authorities shall act in terms of the policy decision.

9] With the afore-stated directions, the petition is disposed of.
No costs.