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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 3 OF 2013

Sanjay Dnyanoba Doke

... Petitioner.

V/s.

Jalinder Bhagwan Doke and Ors.

... Respondents.

Mr. Sandeep Salunke for the Petitioner.

Mr. Ajay Joshi for Respondents 1 and 2.

Mr. M.M. Pabale, AGP for Respondents 3 to 5.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 24 JANUARY, 2019.

P.C. :-

This Petition purportedly filed in public interest seeks directions to the Collector and the Excise Officer, Solapur to take action against the commercial establishment of the Respondent Nos. 1 and 2. It is the contention of the Petitioner that the Respondent Nos. 1 and 2 are running a permit room in the impermissible area as specified in the Bombay Prohibition Act and the Rules framed thereunder.

2. The Petitioner contends that the Respondent Nos. 1 and 2 operate a Beer Bar and Permit Room in Village Machnur, a place of pilgrimage in Solapur District, and the restaurant is close to the Siddheshwar Temple and the National Highway.

3. In view of the grievance made by the Petitioner, this Court, on 5 December 2018 directed the authorities to clarify whether the restaurant is within the restricted area of both, the highway and the temple.

4. An affidavit-in-reply is filed by the Sub-Inspector, State Excise, Solapur. Further affidavit pursuant to the order dated 5 December 2018 is filed by the Inspector of the State Excise to the affidavit dated 17 January 2019. The Deponent Inspector of the State Excise has produced statements, maps and printouts from Google Map Images. The Authority has categorically stated that the establishment is beyond the permissible limit.

5. The learned Counsel for the Petitioner based on a hand written communication issued by the Deputy Engineer in the year 2015 has sought to contend that the restaurant is only 40 meters away from the National Highway.

6. Having directed the State Excise Authorities and that two replies have been filed on their behalf asserting the distance of

the restaurant, it is not possible for us to take the adjudication of disputed facts any further in the Writ Jurisdiction.

7. In these circumstances, we do not intend to keep this Public Interest Litigation pending. The Public Interest Litigation is accordingly disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE