

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8453 OF 2019

Ananta Pandurang Bhoir
M/s. Poonam Bar & Restaurant ... Petitioner
Vs.
The State of Maharashtra through Principal
Secretary and others ... Respondents

Mr. D. B. Savant a/w. Mr. Vinayak R. Salokhe for Petitioner.
Mr. S. S. Panchpor, AGP for Respondent Nos.1 to 3-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 14, 2019

P.C. :

Heard Mr. Savant, learned counsel for the petitioner and Mr. Panchpor, learned AGP for respondent Nos.1 to 3-State.

2. In this case, notice was issued on 08.08.2019 for final disposal. Objections raised by learned AGP regarding maintainability of the writ petition in view of alternative remedy was overruled by the Court.

3. Learned AGP prays for a week's time to file affidavit in reply.

4. However, considering the order passed on 08.08.2019 and the subject matter in controversy, Court is of the view that sufficient notice has been granted to the respondents inspite of which affidavit has not been filed.

5. Matter relates to cancellation of the restaurant licence as well as the Orchestra licence granted to Poonam Bar and Restaurant situated at Kalote Mokashi vide impugned order dated 24.06.2019 passed by the Executive Magistrate cum Tahsildar, Khalapur.

6. Learned counsel for the petitioner has furnished an English translation of the impugned order. For ready reference, the translated copy of the impugned order dated 24.06.2019 is extracted hereunder:

“ With reference No.1 of above referred, the Superintendent of Police vide their letter No.SPR/480/LB-7 Poonam Bar & Restaurant/2018 /31 dated 18.12.2018 informed that Licence in Form FL-III and Orchesra Licence granted to Swagat Bar at Kalote Rayeti, shall not be renewed and so also the Hotel Licence granted shall not be renewed.

Similarly Officer-in-charge, Entertainment Tax officer Office of the Collector of Raigad vide their letter No.Entertainment Tax/Desk-1/70405/2019 dated --/05/2019 informed to cancel the licnce granted to Swagat Bar & Restaurant.

Therefore, Hotel Licence No.3/1991 dated 8.2.1997 and Licence No.MG/ET-2/3455/2019 dated 2.4.2019 as per directions given under reference 2 and 3 are hereby cancelled. You are therefore directed to surrender the original licence to this office immediately after receipt of the order.”

7. From a perusal of the impugned order as extracted above, it is evident that no notice was given to the petitioner who is the proprietor of Poonam Bar and Restaurant. That apart, no reasons have been assigned as to why the two licences dated 08.02.1997 and 02.04.2019 have been cancelled. Impugned order dated 24.06.2019 is clearly in violation of the principles of natural justice rendering the same *nonest* in the eyes of law.

8. Considering the above, impugned order dated 24.06.2019 is hereby set aside and quashed.

9. Writ Petition is accordingly allowed. No order as to costs.

(UJJAL BHUYAN, J.)

Minal Parab