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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10164 OF 2015

Charwak Entertainment Club & Anr. ..Petitioners.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.R.D.Soni I/b. Ram & Co. for the petitioners.

Mr.S.L.Babar, AGP for respondent Nos.1 to 5.

CORAM: NITIN W.SAMBRE, J.

DATE : JUNE 13, 2019

P.C.:-

Learned counsel for the petitioners makes a grievance that the material relied upon by the authorities for rejecting the petitioners' application for grant of entertainment licence under the Bombay Police Act, 1951 was not made available and the order impugned is passed on reasons which are not in existence viz. pendency of 37 offences under various sections against the petitioners, non availability of parking space, etc.

2. When confronted, learned AGP submits that the petitioner will be supplied with both the documents viz. the report

of the of the Deputy Commissioner of Police Zone-1 and also that of objections raised by the Deputy Commissioner of Police (Traffic). In that view of the matter, in my opinion, the petition needs to be partly allowed. The impugned orders passed by the respondent on April 23, 2009 and July 24, 2015 are hereby quashed and set aside.

3. The petitioners undertake to appear before the Deputy Commissioner of Police in the office of Commissioner of Police on July 8, 2019. The application of the petitioner for issuance of relevant licence be considered by the competent authority afresh, having regard to the satisfaction if so demonstrated on the issues which are formed to be basis for issuing the order impugned which is questioned.

4. The petition as such such disposed of in above terms.

5. The authorities shall supply copies of the objections raised by the Deputy Commissioner of Police (Traffic) and also Deputy Commissioner of the concerned Police Zone within a period of four weeks from the date of appearance of the petitioners before the said authority.

(NITIN W.SAMBRE, J.)