

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11194 OF 2019

Maharashtra Wine Merchants Association and another... Petitioners
Vs.
The District Collector, Mumbai District State
Excise Department and others ... Respondents

Mr. R. D. Soni with Mr. Sujay N. Gawade i/b. Shree & Co. for
Petitioners.
Mr. P. P. Kakade, GP with Mr. S. L. Babar, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : OCTOBER 18, 2019

P.C. :

Heard Mr. Soni, learned counsel for the petitioners and Mr. Kakade, learned Government Pleader for respondents-State.

2. Petitioner No.1 is an association of liquor vendors of which petitioner No.2 is the Chairman.

3. They are aggrieved by impugned order dated 05.10.2019 passed by the District Collector (State Excise Department, Mumbai Suburb) only to the extent of declaring the entire day of 24.10.2019, that is, the day of counting of votes as a dry day.

4. It is stated that elections to Maharashtra Legislative Assembly, 2019 is scheduled on 21.10.2019, counting of votes of which will take place on 24.10.2019.

5. It is in connection with the above election that the impugned order has been issued.

6. As per the first part of the impugned order, there will be complete

prohibition from 6.00 p.m. of 19.10.2019 till the end of the voting process in the evening of 21.10.2019. In respect of this part of the order, there is no grievance expressed by the petitioners. The second part of the order declares the entire day of counting i.e. 24.10.2019 as the dry day to which grievance has been expressed by the petitioners.

7. Learned counsel for the petitioners has referred to several orders of this Court dealing with a similar situation on previous occasions. In all those orders, such prohibition was modified by the Court till 6.00 p.m. on the day of counting of votes. Considering the fact that in view of polling through electronic voting machines, counting of votes is carried out expeditiously and, therefore, making the entire day dry would really not serve the purpose for which the order was passed, it is contended.

8. Learned Government Pleader fairly submits that in view of the earlier orders passed by this Court, Court may pass an appropriate order which may be deemed fit and proper.

9. After hearing learned counsel for the parties and considering the materials on record, it is clarified that the prohibition in terms of order dated 05.10.2019 in respect of the day of counting of votes i.e. on 24.10.2019 shall be till 6.00 p.m. only; thus it will be open to the members of petitioner No.1 to open their liquor shops after 6.00 p.m.

10. With such direction, writ petition is disposed of.

(UJJAL BHUYAN, J.)

Minal Parab