

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

WRIT PETITION NO. 11315 OF 2019

Rupesh Chandrakant Thombare ... Petitioner.

V/s.

State of Maharashtra & Ors. ... Respondents.

Mr. Surel S. Shah, Advocate a/w. Prashant Darandale for the Petitioner.

Mr. S.L.Babar, AGP for the State-Respondent Nos.1 to 3.

Mrs. Veena Thadani, Advocate for Respondent No.6.

CORAM : UJJAL BHUYAN, J.

DATE : NOVEMBER 27, 2019.

PC :

1 Heard Mr. Surel Shah, learned counsel appearing for the Petitioner; Mr. S.L. Babar, learned AGP for Respondent Nos. 1 to 3; and Mrs. Veena Thadani, learned counsel for Respondent No. 6.

2 Considering the limited nature of controversy in the Writ Petition and the order that is proposed to be passed, issuance of formal notice to Respondent Nos. 4 and 5 is considered not necessary and the case is taken up for disposal at this stage itself.

3 It is stated that Respondent No. 6 is the proprietor of Hotel Chaitrali situated at Pernephata, Tal

Haveli in district Pune. Respondent No. 6 obtained liquor licence from the Collector i.e. Respondent No. 3 on 24.1.2019.

4 Petitioner questioned the grant of liquor licence to Respondent No.6 on the ground of suppression of material facts. Accepting the challenge of the Petitioner, Respondent No. 3 cancelled the liquor licence on 22.07.2019.

5 Against such cancellation of licence, Respondent No. 6 preferred appeal before the Commissioner of State Excise, Mumbai i.e. Respondent No.2. The appeal was allowed vide order dated 04.10.2019 by setting aside the cancellation order.

6 Against the said order dated 04.10.2019, Petitioner has preferred a Revision Petition before Respondent No. 1 on 15.10.2019. Simultaneously, Petitioner has also preferred the present Writ Petition.

7 On a query by the Court, Mrs. Veena Thadani, learned counsel representing Respondent No. 6 submits that the liquor license was in operation from the date of issuance till it was cancelled by the Collector but after the appeal was allowed, Respondent No.6

resumed its business from 3rd November, 2019 onwards.

8 After hearing learned counsel for the parties and on due consideration, court is of the view that it would be in the interest of justice, if Respondent No. 1 is directed to hear and decide the Revision Application of the Petitioner expeditiously.

9 Accordingly, Respondent No. 1 is directed to take on board the Revision Application of the Petitioner stated to have been filed on 15.10.2019 and decide the same in accordance with law within a period of four weeks from the date of appearance of the parties.

10 Since the contesting parties are before the Court, let the Petitioner and Respondent No. 6 appear before the Revisional Authority on 09.12.2019 at 3 p.m..

11 Writ Petition is disposed of in the above terms, keeping all contentions of the parties open.

(UJJAL BHUYAN, J.)

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