

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12459 OF 2019

Rahul Subhashrao Ghule ... Petitioner
Vs.
The Inspector, State Excise Officer and others ... Respondents

Mr. Sanjiv Sawant i/b. Mr. A. P. Deshmukh for Petitioner.
Mr. P. V. Nelson Rajan, AGP for Respondents-State.

CORAM : UJJAL BHUYAN, J.
DATE : DECEMBER 09, 2019

P.C. :

Heard Mr. Sawant, learned counsel for the petitioner and Mr. Rajan, learned AGP for the respondents-State.

2. Petitioner seeks transfer of liquor licence which is in the joint name of the petitioner and Leelabai S. Domale holding shares in the ratio of 95:5 respectively.

3. It is submitted that in connection with transfer of licence, all necessary documents have been placed before respondent No.2. However, on one pretext or the other respondent No.2 has not transferred the said liquor licence bearing No.CL-3/254 exclusively in the name of the petitioner.

4. Learned counsel for the petitioner submits that all the relevant documents including compromise decree passed by the Civil Court in Regular Civil Suit No.1403 of 1994 are on record before respondent No.2 and therefore, there is no legal impediment in transferring the liquor licence exclusively in the name of the petitioner.

5. On the other hand, learned AGP submits that respondent No.2 is insisting on legal heir certificate of the deceased Leelabai S. Domale

since legal heirs may have an interest in the continuation of the joint licence.

6. In reply, learned counsel for the petitioner submits that all the legal heirs of the deceased Leelabai S. Domale have filed consent affidavit disclosing their consent to transfer of licence in favour of the petitioner.

7. Be that as it may; respondent No.2 is directed to take a decision in the matter in accordance with law within a period of 4 weeks from the date of receipt of an authenticated copy of this order.

8. With the above directions, writ petition is disposed of.

(UJJAL BHUYAN, J.)

Minal Parab