

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3882 OF 2020

Sharad s/o Narayan Jaiswal

...Petitioner

Versus

The Supreintendent,
State Excise Department, Dhule &
Collector, Dhule, Dist. Dhule and Or.

...Respondents

Mr Sant, Advocate for Petitioner
Mrs M.A. Deshpande, Addl. G.P. for Respondents-State

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 9th MARCH, 2020

PER COURT :

1. The matter is filed in the morning. It was mentioned in the morning, taken up in the afternoon session.
2. We have heard Mr Sant, learned Counsel for the petitioner and Mrs Deshpande, learned Additional Government Pleader for respondents-State.
3. The petitioner assails communication received by him on WhatsApp. It is contended that the order is not served in physical form to the petitioner though it is dated 5th March, 2020.

4. The contention of the learned Counsel for the petitioner appears to be that the provisions are not adhered to. There is no publication in the official gazette or in the local newspaper seven days in advance. No reasons also appear as to why shops in Dhule District dealing with the CL-3,FL-2, CLFLTDO-3, FL/BR-2, are required to be closed for two days i.e. 9th and 10th March, 2020. These days of Holi cannot be said to be special occasions. On assumption, the said shops cannot be directed to be closed for two days. The learned Counsel relies on various Judgments of this Court.

5. The learned Additional Government Pleader submits that almost throughout the State, closure orders are there for 10th March, 2020. The learned Additional Government Pleader upon instructions confirms that in Aurangabad Revenue Division in all districts, the liquor shops are closed on 10th March, 2020.

6. Under the impugned order, two days, the shops are directed to be closed on 9th and 10th March, 2020.

7. We do not find any reason mentioned for closure of the shops on 9th March, 2020. The Holi would be played on 10th March, 2020.

8. Due to the paucity of time also, it is not possible for the learned Additional Government Pleader to get the details.

9. Considering the overall scenario and the order of closure of liquor shops on 10th March, 2020 in major part of the State and that on 9th March, 2020, the liquor shops are allowed to operate. we pass the following order :

ORDER

(i) The impugned order dated 5th March, 2020 to the extent of directing the closure of the licence for 9th March, 2020 of the petitioner is set aside.

(ii) The order to the extent of closure of licence for 10th March, 2020 shall remain in force.

10. The writ petition is accordingly disposed of.

11. The learned Additional Government Pleader shall communicate this order to the concerned authority.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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