

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9943 OF 2019

Rajkumar Ramkrishna Bharuka .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Hemant Surve, Advocate for the Petitioner.

Shri S. P. Tiwari, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
 MANGESH S. PATIL, JJ.**

DATE : 02ND JANUARY, 2020.

FINAL ORDER :

. Mr. Surve, the learned advocate for the petitioner submits that, the impugned order is passed without issuing notice to the petitioner and without hearing the petitioner. According to the learned counsel, the ground on which CL-III license held by the petitioner is cancelled, is erroneous. The divorce had taken place between the petitioner and his wife Sunanda under decree of divorce dated 30.01.2010 passed by the 03rd Jt. Civil Judge Senior Division, Aurangabad in H.M.P. No. 140 of 2009. Said aspect is not considered. The application dated 10th August, 2009 relied in the impugned order for negating the right of the petitioner is also misread. Same is not a voluntary application, but conditional one.

2. We have also heard the learned Assistant Government

Pleader for respondents/State.

3. The application given by the petitioner about releasing his license was subject to the decision in Writ Petition and the same is dated 10.08.2009. As contended by the petitioner before passing order, the petitioner was never given an opportunity to put forth his case, we set aside the impugned order on the ground of non observance to the principles of natural justice.

4. The petitioner shall appear before the respondent No. 3 on 23.01.2020. The respondent No. 3 shall after hearing the petitioner take decision afresh, on its own merits, in accordance with law, expeditiously and preferably within a period of three (03) months from the date of appearance.

5. In view of the above, the writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20