

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

**CIVIL APPLICATION NO.2343 OF 2013  
IN WP/5696/2010**

**SMT. LAXMIBAI SHRINIWAS REDDY AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Applicants : Mr. V. R. Dhorde  
AGP for Respondent – State : Mr. A. A. Jagatkar  
Advocate for Respondent No.4 : Mr. A. V. Hon

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**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 13<sup>th</sup> DECEMBER, 2021**

**PER COURT :**

1. This application is for seeking permission to withdraw the amount deposited by respondent No.4 – original petitioner, pursuant to the directions of this Court by order dated 10-08-2010 in Writ Petition No.5696/2010. While disposing off the writ petition and remanding matter back to the Collector, Nanded for inquiry, this Court directed respondent No.4 – original petitioner to deposit amount of Rs.20,000/- per month in this Court towards tentative shares of applicants – original respondent Nos. 4 to 6, for the period during which the inquiry will be conducted before the Collector, Nanded, in respect of the controversy about transfer of CL-III licence.

2. After remand, the matter is decided by the Collector, Nanded, in favour of the applicants – original respondent Nos. 4 to 6 and names of all the legal heirs i.e. all the applicants and respondent No.4 were brought on record in CL-III licence. The order passed by the Collector, Nanded, after inquiry, was challenged before the Commissioner of State Excise, who set aside the order passed by the Collector, Nanded. The order of the Commissioner of State Excise was then challenged before the Hon'ble Minister, who restored the order passed by the Collector, Nanded. Respondent No.4 – original petitioner, thereafter, challenged the order of the Hon'be Minister by filing Writ Petition No.4083/2019, which is dismissed by this Court on 01-09-2021. The Review Application filed by respondent No.4 is also dismissed on 27-10-2021.

3. The civil application is resisted by the learned advocate for respondent No.4 – original petitioner on the ground that the orders passed by this Court in writ petition and review application are challenged before the Hon'ble Supreme Court by filing Special Leave Petition (S.L.P).

4. For the reasons stated in the civil application, the civil application is allowed in terms of prayer clause 'B'. The applicants are

permitted to withdraw the amount deposited by respondent No.4 – original petitioner, on furnishing solvent surety to the satisfaction of the Registrar. The withdrawal of amount by the applicants shall be subject to the decision of the Hon'ble Supreme Court in S.L.P. filed by respondent No.4.

**(NITIN B. SURYAWANSHI, J.)**