

PVR

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

PUBLIC INTEREST LITIGATION NO. 21 OF 2021

Reji Abraham ... Petitioner
vs.
Municipal Corporation of Greater Mumbai & Ors. ... Respondents

Mr. Vijay H. Kantharia a/w. Mr. Dhananjay Deshmukh, Ms. Shubada Salvi, for the petitioner.
Ms. K.H. Mastakar for the MCGM.
Mr. Abhay Patki, Addl. G.P. for the State.
Mr. Surel Shah a/w. Mr. Sunil Gangan, Mr. S.M. Seegarla i/b. RMG Law Associates for respondent no. 5.

**CORAM :- DIPANKAR DATTA, CJ &
G. S. KULKARNI, J.**

DATE :- OCTOBER 25, 2021

PC :-

1. By this Public Interest Litigation the petitioner has assailed an order dated 20 September 2019 passed by the Hon'ble Minister, State Excise, on a revision application filed by respondent no.5 under Section 138 of the Maharashtra Prohibition Act, 1949. By the impugned order the Hon'ble Minister while allowing the respondent no.5's revision application has set aside an order dated 30 October 2017 passed by the Commissioner of State Excise, confirming the order dated 31 August 2017 passed by the Collector, Mumbai, rejecting an application of respondent no.5-Kamla Vihar Sports Club, for a liquor licence. The impugned order directs the Collector, Mumbai Suburban District, to issue such licence to respondent no.5.

2. The challenge to the impugned order as mounted by the petitioner is on several grounds. We have heard learned Counsel for the parties for some time on the issues as raised in this PIL petition. However, after the hearing progressed for some time, learned Counsel for respondent no.5, on instructions, agrees that his client would not have any objection if the impugned order passed by the Hon'ble Minister is set aside and the parties are relegated before the revisional authority to be heard afresh on the revision application filed by respondent no.5. It is also agreed that the petitioner would be permitted to intervene in such proceedings and shall be entitled to be heard in the revision proceedings. The Municipal Corporation which is the owner of the land and which has allotted the land to respondent no.5 on specific terms and conditions, would also be represented in the revision proceedings and be heard by the revisional authority. In view of the above consensus, the petition is required to be disposed of by the following order:-

ORDER

(I) The impugned order dated 20 September 2019 passed by the Hon'ble Minister, State Excise on the revision application of respondent no.5, is quashed and set aside.

(II). The petitioner is permitted to intervene in the revision proceedings and shall be entitled to be heard by the revisional

authority. So also the Municipal Corporation of Greater Mumbai would be entitled to participate and be heard by the revisional authority.

(III) All contentions of the parties on merits are expressly kept open.

(IV) The revisional authority shall decide the revision application as expeditiously as possible and within a period of six weeks from receipt of the copy of this order.

(V) PIL Petition is disposed of in the above terms. No costs.

(G. S. KULKARNI, J.)

(CHIEF JUSTICE)