

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.983 OF 2022

PRAKASH PUNDALIK MAHAJAN

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

Mr. G. R. Syed, Advocate for the Petitioner.

Mr. S. K. Tambe, AGP for Respondents-State.

CORAM : RAVINDRA V. GHUGE

AND

ANIL L. PANSARE, JJ.

DATED : 23rd JUNE, 2022.

PER COURT:-

1. The petitioner has put forth prayer Clause
'B' as under:-

"This Honorable Court in exercise of powers under writ of Mandamus or any other appropriate writ order or directions in like nature may pleased be direct the Respondents more particularly Respondent No.3 to consider and dived the Representations dated 04.09.2021 and 15.12.2021 made by the villagers of the Grampanchayat Bharadi, Tq: Sillod, Dist: Aurangabad."

2. We have considered the submission of the learned Advocate for the petitioner and the learned A.G.P on behalf of the respondents. The petitioner is desirous that a liquor shop should be moved out

of the locality, meaning outside the village limits. He submits that his representation, the last being dated 15.12.2021 signed by several villagers of the Grampanchayat, is pending before respondent no.4, District Collector, Aurangabad. He prays for a direction that the representation may be considered.

3. The learned A.G.P. points out an order dated 25.03.2008 issued by the Home Department under Section 139 (1 and 2) of the Bombay Prohibition Act, 1949 and subsequent order dated 12.02.2009. A procedure for closing down a shop has been prescribed. He submits that such provisions would 'mutatis-mutandis' apply even to removing a shop from a particular place and shifting it to any other place.

4. As such, this petition is disposed off.

5. The District Collector would consider the representation dated 15.12.2021 in the light of the provisions of law and the orders referred to hereinabove. Only if the representation is in

conformity with the provisions, the same may be adjudicated upon by following the due procedure. In the event the same is not in conformity with the requirement of law, the said representation can be rejected with liberty to the petitioner to follow the due procedure as is prescribed in law.

(ANIL L. PANSARE)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

Devendra/June-2022