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

29 WRIT PETITION NO.5105 OF 2021

SAKKARBAI SRINIVAS SARDA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. Navin S. Shah, Advocate for petitioner;
Mr. P.K. Lakhotiya, A.G.P. for respondent nos.1 to 3

**CORAM : A.S. GADKARI
AND
S. G. MEHARE, JJ.**

DATE : 10th January, 2022

P.C.

1. By the present petition, the petitioner, a successful litigant before the State of Maharashtra in FLR1216/RA-25/ State Excise-2 has prayed for implementation of order dated 24.5.2016 passed by the then Honourable Minister for State, State Excise Department, Maharashtra. By the said Order the concerned authority has directed that, the FL-II license issued under the Bombay Prohibition Act to the petitioner be transferred from Ahmednagar to Nashik.

2. Record indicates that, the petitioner, instead of following his matter with the Government or its concerned Authorities, has approached this Court for implementation of

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the said Order dated 24.5.2016. The petitioner is having the substantive alternate remedy of pursuing his matter with the State Government.

3. It may not be out of way to place the fact on record that, by a confidential letter dated 15.11.2016, the Commissioner, State Excise Department, Maharashtra State, Mumbai had directed all the Regional Deputy Commissioners, State Excise, to verify genuineness of the licenses issued from 2010 to 2016 in the State. It prima facie appears to us that, there are disputed questions of fact with respect to the bona fide of the license allegedly issued in favour of the petitioner by the concerned Department and it may be the reason that the respondents are not giving effect to the order dated 24.5.2016.

4. In view thereof, we find no merit in the petition. Petition is accordingly dismissed.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

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