

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

901 WRIT PETITION NO.7891 OF 2022

SHANKARABAI SAWAMI GAUD JANGAMPALLI THROUGH HER
SPECIAL POWER OF ATTORNEY HOLDER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

Shri. Anil H. Kasliwal, Advocate for the petitioner
Shri. K. B. Jadhavar, AGP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 19th AUGUST, 2022**

PER COURT :-

1. Heard learned counsel Shri. Kasliwal for the petitioner and learned AGP Shri. Jadhavar for the respondent/State.

2. Learned counsel Shri. Kasliwal for the petitioner submits that the shop of the petitioner was sealed for a period of six months by the order dated 23rd June, 2021 passed by the Collector. He submits that after the period of six months was over, she made an application to the Collector on 21st June, 2022 for unsealing of the shop and for permitting her to run the shop. Instead of deciding this application, the Collector -respondent No.2 extended the period of closure of the shop by six months.

Learned counsel Shri. Kasliwal submits that Section 142 of the Maharashtra Prohibition Act, 1946 requires the Collector to hear the petitioner and after satisfying himself he is expected to pass the order of closing the shop. He submits that the Collector passed the order of extension of period of closure of shop mechanically. He, therefore, prays for setting aside this order. He places reliance on the case of ***Maharashtra Wine Merchants Association Vs. State of Maharashtra and others*** reported in ***2007(1)Mh.L.J., 177.***

3. Learned AGP Shri. Jadhavar for the respondent/State vehemently supported the order.

4. Apparently the order does not reflect that the petitioner was given an opportunity of hearing before passing of the order. The order also does not reflect that the Collector has recorded his personal satisfaction before passing the order. Learned AGP Shri. Jadhavar for the respondent/State has placed on record a communication from the District Collector, Nanded mentioning therein that fresh order will be passed after giving hearing to the petitioner.

5. It is apparent that the procedure prescribed in Section 142 of the Maharashtra Prohibition Act, 1946 has not been followed. Therefore, the order of the Collector needs to be set aside. In view of this, petition is allowed. The order of the learned Collector dated 23rd June, 2022 is set aside.

6. At this stage learned AGP Shri. Jadhavar submits that the Collector may be directed to pass fresh order. It is for the Collector to take decision in this respect. No directions are needed from this Court.

[M. G. SEWLIKAR, J.]

ssp