

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

56 WRIT PETITION NO.8227 OF 2022

ASHOK VISHWNATH MODVE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
DISTRICT COLLECTOR AND ANOTHER

...

AND
70 WRIT PETITION NO.8246 OF 2022

RAJESH RAMCHANDRA NIRMAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
DISTRICT COLLECTOR AND ANOTHER

...

Advocate for the Petitioners : Shri Jadhav Hanumant P.
AGPs for the Respondents/ State : Shri S.G. Karlekar and Shri
P.S. Patil

...

**CORAM : RAVINDRA V. GHUGE
&
ARUN R. PEDNEKER, JJ.**

DATE :- 11th August, 2022

Per Court :-

1. In these petitions, the petitioners have put forth an identical prayer clause A, which reads as under :-

“A. *By issuing writ of mandamus or any other writ in the like nature, this Hon’ble Court may kindly be pleased to direct that, the respondents shall decide the proposal dated 26.08.2016 and 13.11.2019 (in WP/8227/2022) and 13.02.2020 (in WP/8246/2022)*

filed by the present petitioner before the respondents seeking grant of FL-III license as per provisions of Maharashtra Prohibition Act and Maharashtra Foreign Liquor Rules, 1953 and for that purpose the respondents shall call the meeting of committee expeditiously.”

2. The learned Advocate for the petitioners submits that the authority under the Maharashtra Prohibition Act and Maharashtra Foreign Liquor Rules, 1953 is the District Collector, who has to decide the pending proposals. Each of the petitioners have filed independent proposals for different locations. These proposals are pending since 26.08.2016, 13.11.2019 and 13.02.2020, respectively. It is, therefore, prayed that respondent Nos.1 and 2, being the Committee under the Act and Rules to deal with such applications, will have to decide the said pending applications.

3. The learned AGP submits that the respondents are a part of a statutory committee which has to take a decision in such applications. Only after the application is rejected, that a remedy is available to the petitioners to approach the Commissioner, State Excise.

4. In view of the above, these petitions are disposed off.

5. We direct the respondents to decide the respective claims/proposals of these petitioners, on or before 15.10.2022. Needless to state, we have not expressed any opinion as regards the pending claims and the competent committee is at liberty to deal with each application independently and strictly in accordance with the rules and policies.

kps (ARUN R. PEDNEKER, J.) (RAVINDRA V. GHUGE, J.)