

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

917 WRIT PETITION NO.13703 OF 2021

COUNTRY LIQUOR SHOP, CHAWNI
THROUGH ITS AUTHORIZED PARTNERS SUNIL RAMLAL JAISWAL
VERSUS

CHIEF EXECUTIVE OFFICER AND ANOTHER

...

Advocate for Petitioners : Mr. Bakal Vishal P
Advocate for Respondent No.1. : Mr. A. D. Soman

CORAM : A.S. GADKARI & S. G. MEHARE, JJ.

DATE : 13th January, 2022

ORDER:

1. The petitioner has questioned correctness of notice dated 29.09.2021 issued by respondent No.1 under section 285 of Cantonment Act, 2006.
2. Petitioner is running a country liquor shop at Shop No.15, Chawni No.1, Cantonment Board, Aurangabad. He has been granted licence for retail sale of country liquor at the said place by the State Excise Department and according to the learned counsel for the petitioner, by the Collector of State Excise.
3. It is the contention of the respondent- Cantonment Board that without seeking separate licence as contemplated under section 277 of the Cantonment Act, 2006, the petitioner is running a country liquor shop within the cantonment jurisdiction and therefore, present notice dated 29.09.2021 has been issued to the petitioner.

4. Controversy which can be deciphered from the pleadings in the petition and arguments of learned counsel for respective parties is restricted to the fact that, whether the petitioner is required to take a separate licence under section 277 of the Cantonment Act from respondent No.1 or not.

It is the precise contention of respondent No.1 that an additional separate licence under section 277 of the Cantonment Act is very much necessary. We find substance in the said contention.

5. In view of above, learned counsel for the petitioner submitted that, the petitioner will file appropriate application for licence under section 277 of the said Act, before respondent No.1 within a period of one week from today.

If such application is filed by the petitioner, the respondent No.1 is directed to consider it as per the provisions of law within a period of three weeks therefrom.

6. Till respondent No.1 decides the application of the petitioner to be filed under section 277 of the Cantonment Act, as noted hereinabove, the respondents are directed not to take any coercive action in furtherance of notice dated 29.09.2021.

7. Writ petition is partly allowed in the aforesaid terms.

(S. G. MEHARE, J.)

(A.S. GADKARI, J.)

JPC