

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3429 OF 2022

Sagar Shivaji Mane Thr. G.P.A. ...Petitioner
Holder Shivaji D. Mane
Versus
The State of Maharashtra Thr. Principal Secretary ...Respondents
Dept. & Ors.

Vikram S. Undre, for the Petitioner.
Mr. Thadani, for the Respondent No. 4.
K. S. Thorat, AGP, for the Respondent No. 1.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.**
DATED : 04th MAY, 2022

P.C. :

1. By this Petition, the Petitioner seeks the following substantive relief:-

“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 respondent shall decide the applications dated 08.12.2020, 29.12.2020 and 12.08.2021 filed by the present petitioner before the respondents expeditiously.”

2. It is the contention of the Petitioner that, the Petitioner is having CL-III license no. 107 at Village Kole, Tal. Sangola, Dist. Solapur. The said CL-III license no. 107, was thereafter, transferred at the address bearing house property no. 299 and 299/1 situated at village Kole, Tal. Sangola, Dist. Solapur. The said CL-III license was transferred in the name of the Petitioner from the name of Savitribai Nagnath Hande and Sunita Vilas Alther. The Petitioner submitted that, such transfer permission was granted by the Commissioner of State Excise by order dated 07th January, 2016.

3. It is the submission of the Petitioner that, present Respondent Nos. 4 and 5 were having one CL-III license no. 74, which was valid upto 06th July, 2000. However, due to the dispute between the partners, the said CL-III license of the Respondent Nos. 4 and 5 was suspended by the District Collector, Solapur, in the year 2000 and the said order was upheld in Appeal.

4. Thus, the contention of the Petitioner is that, the said CL-III license was not in operation since 06th July, 2000. The submission of Mr.

Undre, learned counsel appearing for the Petitioner is that, suddenly the present Respondent Nos. 4 and 5 have filed an Application dated 23rd September, 2020, before the Respondent No. 3-The Superintendent of State Excise, Solapur, Dist. Solapur, seeking that the suspension order be recalled and the same be renewed. The Petitioner filed his objections dated 29th December, 2020, 08th December, 2020 and 12th August, 2020 mainly on the ground that, if the license is renewed in favour of the Respondent Nos. 4 and 5, then the same will result in operation of said license, within the distance of 1 k.m., from the CL-III license no. 107 belonging to the Petitioners, which is in operation at house property no. 299. It is the contention of the Petitioner that, the Respondents have not passed any order on the objections raised by the Petitioners.

5. The main contention of Mr. Thadani, learned counsel appearing for the Respondent No. 4 is that, such objection is not maintainable. However, in view of the order which we are inclined to pass, we do not deem it necessary to examine the said aspect i.e. whether the said objection is maintainable or not, at this stage.

6. Accordingly, the Petition is disposed of by passing the following order :-

(i) The Respondent No. 1 to 3 are directed to decide the Applications/objections dated 8th December, 2020, 29th December and 12th August, 2021 as expeditiously as possible and preferably within a period of 8 weeks from today.

(ii) It is expressly clarified that all contentions of both the parties are kept open to be agitated before the concerned authorities including the objections of the Respondent No. 4 and 5 that such objections/Application at the instance of the Petitioners is not maintainable.

(iii) Needless to state that, this Court has not dealt with the merits of the objections and all the contentions of both the parties are expressly kept open.

(iv) Writ Petition is disposed in above terms.

(v) All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.