

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2500 OF 2022

Shivkumar s/o Gorelal Agrawal, Manohar Chowk, Gondia

-vs-

State of Maharashtra, Thr. Secretary, State Excise Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Ms S. M. Tripathi, Advocate for petitioner.

Ms S. S. Jachak, Assistant Government Pleader for respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : August 01, 2022

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

Learned Assistant Government Pleader waives notice for the respondents.

On 25/05/2004 the Collector had issued a license for possession of molasses in favour of M/s Jagdamba Oil & Flour Mills through its proprietor who was the petitioner's mother. On 14/12/2011 the petitioner's mother expired after which the petitioner is pursuing the request for having the said license transferred in his name. By order dated 07/02/2012 that license was provisionally transferred in the name of the petitioner. The petitioner seeks issuance of permanent license in his name. Various representations have been made in that regard by the petitioner.

According to the petitioner, the civil Court has granted legal heir certificate on 26/08/2021 in his favour along with his brother and hence there is no impediment in granting permanent license to the petitioner. On 12/11/2021 the petitioner has made a representation to the respondents for grant of such license.

From the aforesaid facts which are supported by documents on record we find the respondent No.4 can be directed to consider the petitioner's request for grant of permanent license in terms of the representation dated 12/11/2021.

Accordingly the writ petition is disposed of by directing the respondent No.4-Superintendent, State Excise Department, Gondia to take a decision on the petitioner's representation dated 12/11/2021. If necessary, the petitioner can be heard in support of that application before taking a decision thereon. The respondent No.4 shall decide that application within a period of four weeks from receipt of copy of this order. The decision taken be communicated to the petitioner.

Rule stands disposed of accordingly. No costs.