

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1610 OF 2022

Smt. Sandhya wd/o Chandrabhushan
Jaiswal

... Petitioner

- Versus -

State of Maharashtra and others

... Respondents

Shri S.M. Puranik, Advocate for Petitioner.

Ms. K.S. Joshi, In-charge Government Pleader for Respondent
Nos.1 to 4.

**CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.**

DATE : 22 MARCH 2022

P.C. :

This petition is filed for a direction to the Respondent No.3 Collector that the Respondent No.3 Collector before renewing the licence, if any, in favour of the Respondent No.5 should consider the objections raised by the Petitioner.

2) Shri Puranik, learned Counsel for the Petitioner, states that CL III licence granted in favour of the Respondent No.5 was on the condition that for re-locating the shop, the Respondent No.5 should obtain permission for commercial use of the premises (non agricultural purpose). According to the Petitioner,

the Respondent No.5 has not obtained the same. The claim of the Petitioner is that the Petitioner is owner of the property where shop of the Respondent No.5 is located. The learned Counsel for the Petitioner submits that licence of the Respondent No.5 is scheduled to be renewed on 31 March 2022 and if the objections of the Petitioner are not considered, the petition will become infructuous.

3) Since the Petitioner has already made a representation to the Respondent No.3 Collector, the Respondent No.3 Collector will consider the same when issue of renewal of licence in favour of Respondent No.5 arises. However, by this direction we deem not to have recognised the right of the Petitioner and we leave it to the Respondent Collector to consider the matter as per law and take appropriate steps. We issue this clarification as this order is passed without notice to the Respondent No.5. Keeping contentions of both parties open, the writ petition is disposed of.

4) The parties to act on the authenticated copy of this order.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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