

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

WRIT PETITION No. 1680 OF 2022.

M/s. Kisanlal Wines. Petitioner.

VERSUS

The State of Maharashtra
and another. Respondents.

Mr.Anand Jaiswal, Senior Advocate with Mr.N.G. Moharir,
Advocate for the Petitioner.
Mr.N.S. Rao, A.G.P. for Respondents.

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

DATE : 25 MARCH 2022.

P.C.

Heard learned Counsel for the parties.

2. The Petitioner is aggrieved by the order passed by the Respondent No.2- Senior Police Inspector, attached to Police Station Ajni, Nagpur City purported to be under Section 142[2] of the Maharashtra Prohibition Act, directing closure of Petitioners premises for which Petitioner holds a licence, for a period of 15 days

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from 21 March 2022. The order is passed on the ground that on 21 March 2022 there was obstruction to traffic due to customers coming to the shop of the Petitioner for purchase of the product.

3. The learned A.G.P. upon instructions from Shri Mahendra Ambhore, Police Inspector (Crime), Police Station Ajni, stated to be present in the Court, that the continuation of the order from now onward would be excessive and would not be pursued further, and there is no impediment for the Petitioner to open his shop and the order dated 21 March 2022 can be modified accordingly.

4. The learned Senior Advocate for the Petitioner states that the Petitioner does not wish to precipitate the matter further and in the light of clarification now given, the petition can be disposed of keeping legal contentions of the Petitioner open, in case similar orders are passed in future.

5. Since the impugned order has referred to the issue of obstruction to traffic because of customers of Petitioner which would cause inconvenience to the members of the public, the learned Senior Advocate for the Petitioner was asked as to how the Petitioner would assist the Traffic Police Authorities in managing the traffic. The learned Senior Advocate submitted that the Petitioner can deploy staff to manage the rush of customers, put up barricades and call upon the customers to follow the queue. The learned Senior

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Advocate also submitted that if the Commissioner of Police guides the shop owners such as the Petitioner, as to how they can help in reducing the problem in traffic management when such issue arises, the Petitioner and others would be benefitted and they will also, as responsible citizens, ensure that member of public is not put to inconvenience. The Commissioner of Police, Nagpur would consider giving such an advisory. By this observations, we do not deem to have directed the Commissioner of Police to issue any binding instructions.

6. In the light of the statement made on instructions by the learned A.G.P. that the impugned order has ceased to operate and the assurance given by the Senior Advocate for the Petitioner, no further orders are required to be passed.

7. The Writ Petition is accordingly disposed of.

(ANIL L. PANSARE, J) (NITIN JAMDAR, J)

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