

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 3327 OF 2022

Gram Panchayat Ghonsa vs. State of Maharashtra and others

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

Court's or Judge's Orders.

Mr. Vishwarupe, learned counsel for the petitioner.
Mr. N.R.Patil, learned AGP for respondent Nos.1 & 2.
Mr. Bodhankar, learned counsel for respondent No. 3

CORAM : AVINASH G. GHAROTE J.

DATE : 10/10/2022

Heard Mr. Vishwarupe, learned counsel for the petitioner, Mr. N. R. Patil, learned AGP for respondent Nos.1 and 2 and Mr.Bodhankar, learned counsel for respondent No. 3.

2. The only ground raised in this petition is that the impugned order dated 14.03.2022 (page-19) violates the requirement of Rule 25 of the Maharashtra Country Liquor Rules, 1973 inasmuch as Clause (iii) of the first proviso thereto requires the resolution of the Gram Panchayat in whose area the license shop is proposed to be shifted by giving no objection in that regard. It is contended that there is this requirement in the aforesaid provision, the

impugned order in appeal has sanctioned the shifting contrary thereto.

3. Mr. N. R. Patil, learned AGP does not dispute the requirement of the aforesaid provision.

4. Mr. Bodhankar learned counsel submits that such a requirement would not be necessary as the shifting is directed by the Collector.

5. I am afraid, I am unable to concur with this submission of Mr. Bodhankar, learned counsel for respondent No.3 for the reason that Clause (iii) of the first proviso to Rule 25 of the Maharashtra Country Liquor Rule, 1973 does not contemplate any exception, in the said requirement on account of the shifting being permitted by the Collector.

6. Admittedly in the instant case there is no resolution of the Gram Panchayat, giving 'no objection' for such shifting, in view of which, the impugned order dated 14.03.2022 passed by respondent No.1, cannot be sustained and the same is hereby quashed and set aside. The Writ Petition is allowed in above terms, No costs.