

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

Writ Petition No. 5756 of 2019

[Ravidayal S/o Ishwardayal Patle ..vs.. The Superintendent State Excise, Bhandara and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. S. Godbole and Mr. S. G. Jagtap, Advocates for the petitioner
Ms. T. H. Khan, A. G. P. for respondent 1
Mr. S. S. Ghate, Advocate for respondent 2

**CORAM : ROHIT B. DEO AND
ANIL L. PANSARE, JJ.**

DATED : 20-8-2022

On the oral motion moved by learned counsel Mr. Godbole, leave to add Collector, Bhandara as respondent 3 is granted.

2. Learned Assistant Government Pleader, Ms. Khan waives service for the newly added respondent 3.

3. It appears that there is *internecine* dispute between the legal heirs of the deceased partners of the firm which was holding FL-II licence.

4. In so far as the dispute, the same clearly cannot be adjudicated by this Court.

5. The statutory scheme appears to be that all the legal heirs are ordinarily entitled to be brought on the licence.

6. Be that as it may, we note that at least three representations made by the petitioner which are representations dated 13-1-2021, 1-2-2021 and 4-8-2021 are pending before respondent 3, Collector. We therefore, dispose of the petition by directing respondent 3 to decide the representations supra within the next ninety days.

7. We further make it clear that apart from the petitioner and respondent 2, the Collector shall hear the other legal heirs, if there be any, before passing final order.

8. We are informed that there is a civil dispute pending. We clarify that the Collector shall be at liberty to make such arrangement and pass such orders as are consistent with the Maharashtra Prohibition Act and Rules framed thereunder notwithstanding the pendency of the civil dispute.

9. The petition is disposed of.

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)