

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

WRIT PETITION NO.5447 OF 2021

Ramalal Fulchand Biryra, Subhash Ward, Gondia

-vs-

The State of Maharashtra, Thr. Additional Tahsildar, Gondia and anr.

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

Court's or Judge's Orders.

Shri Anup J. Gilda, Advocate for petitioner.

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

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

DATE : September 19, 2022

P.C.

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

The petitioner is granted amusement license under Rule 92 of the Rules For Licensing And Controlling Places Of Public Amusement (Other than Cinemas) And Performances For Public Amusement Including Melas And Tamashas, 1960 (For short, the Rules of 1960). The said license was granted on 04/08/2021. It appears that the Additional Tahsildar on 25/11/2021 issued a communication to the petitioner and cancelled the said license with regard to two games out of nine games for which it was granted. Being aggrieved the petitioner has challenged the said order.

We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents. We have also perused the Rules of 1960 and especially Rule 242 thereof. While there is a power to suspend or cancel the license as issued, it is obvious that such action ought to be preceded by

granting an opportunity to the licensee so as to put him on notice of the action proposed to be taken. Admittedly in the present case no such notice was issued to the petitioner. The averments made in that regard have not been specifically denied. On this count the impugned order dated 25/11/2021 is liable to be set aside. Accordingly the following order is passed :

- (i) The order dated 25/11/2021 passed by the Additional Tahsildar, Gondia is set aside.
- (ii) In case, the Additional Tahsildar desires to take any action under the Rules of 1960 in the matter of suspension or cancellation of the license issued to the petitioner, he shall do so in accordance with the said Rules and after complying with the principles of natural justice.

Rule is made absolute in aforesaid terms with no order as to costs.

(Urmila Joshi-Phalke, J.)

(A. S. Chandurkar, J.)

Asmita