

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

15 WRIT PETITION NO. 7825 OF 2022

SAMBHAJI SOPANRAO BHALEKAR & ANOTHER
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for the petitioners : Mr.A.H.Kasliwal
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.6 : Mr.VD.Hon, Senior Advocate
Advocate for respondent no.8 : Mr.B.M.Dhanure
Advocate for respondent no.10 : Mr.A.K.Tiwari

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CORAM: ARUN R. PEDNEKER, J.

DATE: 20th FEBRUARY, 2023

PER COURT:

1] Heard.

2] The respondents object the present Writ Petition on the ground that, there is no impugned order in the present Writ Petition and only the recommendation dated 14.06.2022 is challenged in the present Writ Petition, addressed to the Superintendent, State Excise, Osmanabad by the Superintendent, State Excise, Latur, recommending to shift shop of 10th respondent from Osmanabad proper to village Nalegaon, Taluka Chakur, District, Latur. No final order is passed by the learned Minister in

respect of shifting of the shop, and as such, the present petition is premature.

3] In view of the objections raised, the present writ petition is disposed of as premature. However, liberty is granted to the petitioners to file a representation to the Hon'ble Minister, raising their concern over shifting of the shop of 10th respondent to the village at Nalegaon, Taluka Chakur, District Latur.

4] The representation made by the petitioners may also be taken into consideration by the Hon'ble Minister while deciding shifting application of the liquor shop as there is no provision to hear the third party personally.

5] The learned AGP to convey this order to the concerned Minister so that the representation made by the petitioners would be taken into consideration while deciding the shifting application of 10th respondent.

6] All contentions are kept open.

7] In the event the petitioners are not satisfied with the final outcome of the proceedings before the Minister, they can agitate all the issues raised in the present petition.

8] Accordingly, the present Writ Petition is disposed of.

9] In view of disposal of main Writ Petition, Civil Application No.15657 of 2022 does not survive and the same stands disposed of.

[ARUN R. PEDNEKER, J.]

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