

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 5767 OF 2021

Circuit House Bar and Restaurant through
Owner Shri Nikhil Vitthal Kalate.

.. Petitioner.

Vs.

State of Maharashtra & ors.

.. Respondents

Mr. Akshay A. Deshmukh a/w. Mr. Pratik Wakade and Mr. Aniket Pawar, for the
Petitioner.

Mr. A.R. Kapadnis, APP for Respondent-State.

CORAM : SUNIL B. SHUKRE & KAMAL KHATA, JJ

DATE : 24TH MARCH, 2023.

P.C. :

. Not on board and taken on board through production.

2. Heard the learned Counsel for the Petitioner.

3. By this Petition, what is specifically sought by the Petitioner is a declaration that the Legislation in question which is Cigarettes and other Tobacco Products(Prohibition of Advertisement and Regulation of the Trade and the Commerce Production, Supply and Distribution) (Maharashtra Amendment) Act, 2018 cannot be applied to the business of the Petitioner, who is running a Herbal Hukkah Parlour. This petition, in our view, is not maintainable, and the reason is that there is no cause of action; there is no grievance so far as raised that the attempts are being made by the respondents to obstruct to carry on the business of Hukkah Parlour run by the Petitioner in the name of prohibition contained in the

Legislation. As of now, nothing of that nature has happened and therefore, no declaration, there being no cause of action, no relief can be granted to the Petitioner. In view of this, this petition is not maintainable. The Writ Petition stands dismissed accordingly.

4. We however, grant liberty to the Petitioner to approach this Court as and when cause of action arises.

5. The Petition is disposed of on the above terms.

[KAMAL KHATA, J.]

[SUNIL B. SHUKRE, J.]