

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

WRIT PETITION NO.3142 OF 2023

Sanjay Ashok Patil

.....Petitioner

Versus

The State of Maharashtra
and others

.... Respondents

Ms. Bobby Malhotra, Advocate for the Petitioner.

Mr. S.D. Rayrikar, AGP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 16th MARCH, 2023

P.C. :

1. Heard Ms. Bobby Malhotra, learned counsel for the Petitioner and Shri S.D. Rayrikar, learned AGP for the Respondent-State.

2. The Petitioner has challenged the order dated 27.12.2022 passed by the Deputy Commissioner of Police, for Police Commissioner, Thane cancelling the licence given to the Petitioner under Section 33 of the Maharashtra Police Act, 1951 (for short, 'said Act').

3. Learned counsel for the Petitioner submitted that the show-cause notice was not served on the Petitioner and, therefore, this order was passed without hearing him. Thus, there was violation of the principles of natural justice. She submitted that the Petitioner has filed Appeal provided under the said Act before the Government of Maharashtra on 17.1.2023, but, till today neither the stay is granted nor the appeal is decided. She submitted that in that situation the remedy of appeal has become ineffective. She relied on the order passed by a Division Bench of this Court in the case of **Bhaskar B. Bhosle Vs. State of Maharashtra and others**¹ wherein in a similar situation, the Division Bench had stayed the operation of the impugned order of suspension of licence till the application for stay was decided by the Appellate Authority.

4. Learned A.G.P. submitted that the impugned order is a reasoned order and there is no necessity to interfere with the said order.

¹ 2003(4) Mh.L.J. 328

5. I have considered these submissions. When the appeal is provided under the said Act, it has to be decided expeditiously and effectively. If in the meantime, no order is passed in the appeal, the Petitioner has suffered prejudice. If the Authorities are right in cancelling the licence of the Petitioner that can be taken into consideration by the Appellate Authority. The grievance made by the Petitioner also can be considered by the Appellate Authority. The observations of the Division Bench in the order referred hereinabove are mentioned in paragraphs-5 to 7 of the said order.

6. A similar approach can be adopted in this particular case considering that the appeal is still pending before the Appellate Authority. Hence, the following order :

:: O R D E R ::

- i. The Appellate Authority is directed to dispose of the Appeal of the Petitioner within a period of four weeks from today.

- ii. The impugned order dated 27.12.2022 passed by the Deputy Commissioner of Police, for Police Commissioner, Thane is stayed till the Appeal is decided and for a further period of three weeks thereafter if the Appeal is decided against the Petitioner. During this period, the Petitioner shall adhere to all Rules and Regulations.
- iii. With these directions, the Petition is disposed of.

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(SARANG V. KOTWAL, J.)