

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12304 OF 2022

Milind Bhagwan Teke

...Petitioner

vs.

The State of Maharashtra and Others

...Respondents

Mr. Vikram Undre, for the Petitioner.

Mr. C.D. Mali, AGP for the Respondent-State.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 5th March, 2013 passed by the Minister (State Excise) in RVN-0113/RA-32/State Excise-3 whereby the Revision Application preferred by respondent No. 3 came to be allowed and the CL-III license which stood in the name of deceased Haribhau Kshirsagar, was ordered to be transferred in the name of respondent No. 3 and other legal representatives of deceased Haribhau in accordance with governing rules after obtaining requisite renewal fees.
3. At the outset, it is imperative to note there is a delay of almost 9 years in assailing the impugned order. The inaction to assail the impugned order for such a long period amounts to laches dissuading the Court from exercising the extraordinary writ jurisdiction.
4. On the merits of the petition, it seems that the petitioner was

taken as a partner by the deceased license holder Haribhau. After the demise of Haribhau, his wife Smt. Radhabai was allowed to carry out the business temporarily on the basis of said license till 31st March, 2004. Radhabai passed away on 26th August, 2004. The petitioner moved the Civil Court. In Civil Appeal No. 36 of 2004 an order was passed that the business on the basis of said license be not stopped. Thus, the business continued till 21st October, 2005.

5. In the wake of the dispute between the legal representatives of the deceased license holder and the petitioner, the District Collector vide order dated 21st October, 2005 suspended the said CL-III license. The petitioner did not succeed in appeal and revision.

6. In the meanwhile, respondent No. 3 filed the instant revision application before the Minister and, by the impugned order, the Minister permitted the transfer of the license in the name of respondent No. 3 and other legal representatives of late Haribhau in accordance with the governing procedure and upon obtaining the requisite renewal fees.

7. Evidently, the petitioner had challenged the order to suspend the license and had also sought permission to run the outlet on the basis of the said license. The petitioner did not succeed in appeal and revision against the order passed by the District Collector, Solapur. In the aforesaid view of the matter, at this length of time,

there is no propriety in entertaining the petition.

8. The learned counsel for the petitioner submitted that on account of the disputes inter se the legal representatives of deceased Haribhau and also between the legal representatives of the deceased and the petitioner, the license outlet could not operated to the prejudice of the petition.

9. It would be suffice to note that the petitioner would be at liberty to work out the remedies which are available in law in pursuing his claim emanating from the alleged rights as a partner of the deceased Haribhau, or for that matter, Smt. Radhabai.

10. Subject to the aforesaid clarification, the petition stands disposed.

11. All contentions of all the parties including the contention of the petitioner before the authorities below are kept open for consideration in appropriate proceedings.

(N. J. JAMADAR, J.)