

**Dusane**

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

**WRIT PETITION NO.11792 OF 2023**

Vilas Balkrishna Shinde ...Petitioner

V/s.

Deputy Commissioner of Police ...Respondents  
& Ors.

Mr. Shailesh S. Redekar for Petitioner

Mr. P.G. Sawant, AGP for Respondent-State.

**CORAM: MADHAV J. JAMDAR, J.**  
**DATE: 12th December 2023**

**P.C.:**

**1.** Heard Mr. Redekar, learned Counsel appearing for the Petitioner and Mr. Sawant, learned AGP for the Respondent-State.

**2.** It is one of the contention of Mr. Redekar, learned Counsel appearing for the Petitioner that the material on record to show that the business from the premises in question was being conducted since 1981 and the said premises was having valid license since 1981 are not taken into consideration while passing the impugned order. It is also one of the contention raised by Mr. Redekar, learned Counsel

appearing for the Petitioner that the personal hearing was not given by Respondent No.1 while passing order dated 15<sup>th</sup> March 2017.

**3.** Pursuant to the order dated 30<sup>th</sup> October 2023 passed in this Writ Petition, the Respondent-State has filed reply and rejoinder is also filed. In the said reply and rejoinder new material has been brought on record.

**4.** Thus, it is necessary to consider the new material as well as the contentions which the Petitioner wants to raise. Accordingly, the impugned order dated 15<sup>th</sup> March 2017 passed by Respondent No.1 and the impugned order dated 21<sup>st</sup> April 2023 passed by Respondent No. 2 are quashed and set aside.

**5.** The Petitioner to appear before the Respondent No.1, Deputy Commissioner of Police on 8<sup>th</sup> January 2024 at 11.00 am.

**6.** The concerned Deputy Commissioner of Police after giving proper opportunity to the Petitioner and after hearing the Petitioner, shall pass an appropriate order. Till the Respondent No.1 passes the order, no coercive steps be taken against the Petitioner.

**7.** The Writ Petition is disposed of in above terms with no order as to costs.

**8.** It is clarified that this Court has not considered merits and all contentions in that behalf are expressly kept open.

BHALCHANDRA  
GOPAL DUSANE

**(MADHAV J. JAMDAR, J.)**

Digitally signed by  
BHALCHANDRA  
GOPAL DUSANE  
Date: 2023.12.13  
19:30:21 +0530