

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12567 OF 2022

Sai Sewa Dham Foundation

...Petitioner

vs.

The Collector of Thane and Others

...Respondents

Ms. Veena Thadani i/b. Ms. Visha Thadani, for the Petitioner.

Mr. A.P. Vanarse, AGP for the State.

Mr. D.B. Sawant a/w. Ms. Amrita Singh i/b. Mr. Vinayak Salokhe, for
Respondent No. 2.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 22, 2023

P.C.:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order passed by the State Government on 13th October, 2023 granting stay to the order dated 11th October, 2022 passed by the Commissioner, State Excise in Appeal No. 332 of 2022. By the said order the Commissioner was persuaded to stay the order dated 30th September, 2022 passed by the Collector at Thane allowing the application filed by respondent No. 2 seeking permission to shift the license to shop No. C-6, 7, Madhav Shrushti, Shiv-Parvati CHS Ltd., Khadakpada, Kalyan (w), pending inquiry as to whether the said premises was in the vicinity of registered religious institution.
3. Being aggrieved, the respondent No.2 preferred a Revision

before the State Government. Evidently, the Revision is pending before the State Government. Since the impugned order is passed at an interim stage, it would be expedient that the Revision Application preferred by respondent No. 2 before the State Government itself is decided on merits and in accordance with law.

4. Hence, the petition stands disposed with a direction to the State Government to decide the Revision Application No.FLR-1222/R.A.39/RAUSH-2 as expeditiously as possible and preferably within a period of three months from the date scheduled for the appearance of the parties.

5. The parties shall appear before the State Government on 11th July, 2023.

6. It is clarified that this Court has not entered in the merits of the matter and all contentions of all the parties are kept open for consideration.

(N. J. JAMADAR, J.)