



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

WRIT PETITION NO.14788 OF 2023

M/s. Crazy Boys Restaurant and Bar

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

Mr. R. D. Soni a/w. Mr. Sujay Gawade, Ms. Sumedha Dhopate, Ms. Mudita Pawar, Ms. Manasi Pawar i/b. Shree & Co., for the Petitioner.

Mr. P. G. Sawant, AGP, for the State/Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATED : 29th NOVEMBER 2023

P.C. :

1. Heard Mr. Soni, learned counsel appearing for the Petitioner. It is his contention that by order dated 30th October 2023, the Commissioner of Police, Navi Mumbai has cancelled the Petitioner's orchestra license. Immediately on 31st October 2023, the Petitioner has filed statutory appeal under Section 162 of the Maharashtra Police Act before the State Government. He states that neither the said appeal is taken up for the hearing nor the stay application filed in the said appeal is considered. In the said order dated 30th October

2023, the Commissioner of Police, Navi Mumbai has specifically stated that appeal can be filed against the said order within a period of 30 days. The said 30 days period will be over on 30th November 2023. Thus, it is clear that the said order is not yet implemented. The statutory appeal of the Petitioner is pending.

2. Mr. Soni, learned counsel appearing for the Petitioner has relied on number of orders passed in similar situation, where High Court has directed that statutory appeal be disposed of within a particular time limit and till that time order of cancellation of orchestra license be not implemented. The said orders are annexed to the Writ Petition at Exhibit-F collectively.

3. At this stage, Mr. Sawant, learned AGP appearing for the Respondents states that he has taken specific instructions and as per his instructions, the said appeal will be disposed of within a period of eight weeks from today.

4. Accordingly, the Writ Petition is disposed of by passing the following order:-

ORDER

(a) The Respondent No.2-the Principal Secretary,
Home Department, State of Maharashtra, Mantralaya,

Mumbai is requested to dispose of the appeal filed challenging order dated 30th October 2023 passed by the Commissioner of Police, Navi Mumbai on or before 31st January 2024.

(b) Till the disposal of the said appeal, order dated 30th October 2023 passed by the Respondent No.3- Commissioner of Police, 8 Navi Mumbai shall not be implemented.

(c) It is clarified that this Court has not considered the merits and all contentions on merits are expressly kept open.

5. Accordingly, the Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]