



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.5965 OF 2022**

Shakuntalabai W/o Shrikant Jaiswal .Vs. State of Mah. through Secretary,  
Department of State Excise, Mantralaya, Mumbai and others

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

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Shri C.B. Dharmadhikari, Advocate for petitioner.  
Shri N.R. Patil, A.G.P. for respondent Nos.1 to 3/State.

**CORAM : ANIL S. KILOR, J.**

**DATED : 30/08/2023**

1. Heard.

2. In the present writ petition, the order dated 12.10.2021 passed by the Collector rejecting the application moved by the petitioner for inclusion of her name in CL-III license, is under challenge.

3. The only ground argued before this Court by the learned counsel for the petitioner Shri Dharmadhikari, is that, no opportunity of hearing was granted to the petitioner and without following the principles of natural justice, the order came to be passed on the application moved by the petitioner for inclusion of name in CL-III license.

4. Considering the limited argument made by the learned counsel for the petitioner the record was called and verified whether hearing was granted to the petitioner.

5. On perusal of the record, Shri Dharmadhikari, learned counsel for the petitioner maintain his statement about non-grant of hearing to the petitioner.

6. On the other hand, Shri Patil, learned A.G.P. is not in position to find out from the record that, hearing was granted to the petitioner.

7. In that view of the matter, it can be held that the impugned order was passed in violation of principles of nature justice. Hence, I am of the opinion that, the matter needs to be remanded back to the learned Collector to decide the same afresh after giving sufficient opportunity to the petitioner. Accordingly, I pass the following order:

- i) The writ petition is **partly allowed**.
- ii) The impugned order dated 12.10.2021 passed by the Collector in Proceeding No.CLR112020/728/Sup/772, is hereby quashed and set aside.

- iii) The matter is remanded back to the learned Collector to decide the same afresh after hearing the petitioner.
- iv) The petitioner shall appear before the Collector on **13.09.2023** at 11.00 a.m.
- v) The learned A.G.P. undertakes to intimate the order to the Collector.

Writ Petition is **disposed of** accordingly. No order as to costs.

**JUDGE**