



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

Writ Petition (WP) No. 4912 of 2022

M/s Haveli Restaurant and Bar through its Proprietor S.S.Yadav

Versus

State of Maharashtra, through its Principal Secretary State Excise,
Mantralaya, Mumbai-31 and others

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

Court's or Judge's Order

Shri S.P.Bodalkar, Advocate for the petitioner.

Shri D.P.Thakare, Addl.G.P. for the respondent nos. 1 to 4

Shri A.D.Dangore, Advocate for the respondent no.5.

CORAM : ANIL S. KILOR, J.

DATED : 4th OCTOBER, 2023.

Heard.

2. The petitioner is running the business under the name and style Haveli Restaurant and Bar FL-III licence, Plot No.4, Mouje Ranala, Kamptee, Dist. Nagpur.

3. The villagers filed a complaint on on 30th April, 2018 to Sarpanch for closure of license and thereafter the Gramsabha and Mahila Gramsabha meeting were held wherein out of 5059 voters, 272 voters were present and cast their vote for closure of the said bar. Thereupon, the Collector, Nagpur closed down FL-III license of the petitioner.

4. Thereafter, the petitioner approached to the Commissioner of State Excise who remanded the matter back to the Collector, Nagpur with direction to examine all aspects in the matter and consider the Gramsabha dated 22nd October, 2021 as per Government Order 2008, vide impugned order dated 24th June, 2022. The Commissioner also vacated the stay.

5. Thereafter on 4th August, 2022, the Collector issued communication in pursuance of vacation of stay by the Commissioner and closed down the FL-III license of the petitioner. Hence, this petition.

6. This Court vide order dated 18th August, 2022 granted interim relief in terms of prayer clause (ii) thereby stayed the effect and operation of the orders dated 24th June, 2022, 19th January, 2022 and 4th August, 2022 passed by the 2nd and 3rd respondents.

7. Admittedly, in pursuance of direction issued by the Commissioner State Excise, there is no adjudication done by the Collector and as such there is no final order passed by the Collector after examining all the aspect and after considering the Gramsabha dated 22nd October, 2021 as per Government Order 2008. The matter for consideration is pending before the Collector.

8. In that view of the matter, I am of the opinion that the ends of justice would be subserved, if the Collector is directed to take a decision in the present matter within stipulated period by continuing the interim relief granted by this Court till the decision of the Collector.

9. Both the parties are agreeable to these arrangement. Accordingly, I pass the following order.

i. The writ petition is disposed of with directions to the Collector, Nagpur to take decision in pursuance to the order dated 24th June, 2022 passed by the Commissioner, State Excise within one month from the date of appearance of the parties.

ii. The parties shall appear before the Collector, Nagpur on **18th October, 2023** at 12 noon.

iii. The interim relief granted by this Court on 18th August, 2022 shall continue till the decision taken by the Collector.

iv. All the points are kept open.

[ANIL S. KILOR, J.]