

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3445/2021

Prashant V State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.G. Jagtap, Adv for petitioner.
Mr. D.V. Chawhan, Adv for resp. No.5.
Mr. R.D. Bhuibhar, Adv for resp. No.5./Caveator.
Mrs. Barabde, AGP for resp. Nos. 1 to 4.

CORAM : AVINASH G GHAROTE, J.
DATE : 19-04-2023

Learned AGP has filed affidavit on record vide Pursis Stamp No. 10/23 dated 13-04-23 along with which a map has been annexed at page 141, which map is also annexed by the petitioner at page 91. According to Mr Jagtap, learned Counsel for the petitioner, the map at page 91 does not indicate any approach road from the edge of the National Highway which is also the position according to him in the map at page 16 annexed with the pursis dated 12-04-2022 bearing stamp 3/2022. Though the map at page 141 shows three entry points from the national highway, the learned AGP, upon instructions, makes a statement that the entry point at serial no.2 is the correct one in terms of the requirement of Rule 45(1C) of the Bombay Foreign liquor Rules, 1953. This statement is accepted as a statement to the Court. Considering from point no.2 the distance to the

establishment of the petitioner is only 61.90 mtrs, which is less than the minimum distance of 75 mtrs as required by Rule 45 (1C) of the aforesaid rules. That being the position, I do not see any reason to interfere in the impugned order. The petition is therefore dismissed. No costs.

JUDGE