

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

**WRIT PETITION NO. 7210 OF 2022**

Smt. Kamal Santoshrao Rewatkar,  
Aged about 72 years, Occ. - Nil,  
Resident of 43, Saibaba Nagar,  
Kharabi, Nagpur.

.... **PETITIONER**

**VERSUS**

- 1) State of Maharashtra,  
through its Collector, Nagpur,  
Civil Lines, Nagpur.
- 2) The Superintendent of State Excise,  
Nagpur, Civil Lines, Nagpur.
- 3) Diwakar s/o Ramkrishna Deshmukh,  
(since dead) through his legal heirs-
- 3-A) Smt. Tursabai Diwakar Deshmukh,  
Aged about 70 years.
- 3-B) Sou. Vaishali Nago Dambhare,  
Aged about 32 years.
- 3-C) Rahul Diwakar Deshmukh,  
Aged about 30 years.
- 3-D) Amit Diwakar Deshmukh,  
Aged about 28 years.

All Residents of Silli, Tahsil - Kuhi,  
District – Nagpur.

- 4) Dilip s/o Ramkrishna Deshmukh,  
Aged about 65 years, Occ. - Nil,  
R/o Silli, Tahsil – Kuhi, District -  
Nagpur.

.... **RESPONDENTS**

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Mr. Anand Parchure, Counsel for the petitioner,  
Mr. S.M. Ukey, Addl.G.P. for respondents 1 and 2,  
Mr. S.G. Jagtap, Counsel for respondents 3A to 3D and 4.

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**CORAM : ROHIT B. DEO & MR. M.W. CHANDWANI, JJ.**  
**DATED : 1<sup>st</sup> AUGUST, 2023**

**ORAL JUDGMENT : (PER : R.B. DEO, J.)**

**Rule.** Rule made returnable forthwith. Heard finally with consent of the parties.

2. The grievance of the petitioner is that respondents 1 and 2 are not initiating action against respondents 3 and 4 for breach of conditions of licence.

3. Respondents 1 and 2 have filed affidavit-in-response dated 24-7-2023, paragraphs 4, 5 and 6 of which read thus :

*“4. It is further submitted that, the Inspector of State Excise on 13-3-2023 submitted its report and pursuant thereto on 27-4-2023 notice is also issued to the petitioner as well as respondents No.3 and 4 directing them to submit relevant documents, in order to decide the matter.*

5. *It is submitted that, pursuant to the said notice, on 25-5-2023 respondent No.3 has submitted the documents regarding construction and other document relating to use of the said premises for non-agricultural purpose. All these documents was forwarded to the Inspector of State Excise for verification and he has submitted the said report, vide its report dated 3-7-2023.*

6. *It is submitted that, all the above mentioned documents and reports would be placed before the respondent No.1 within one week. The respondent No.1, assures that the decision shall be taken within 3 months from the date of appearance of parties and after giving opportunity of being heard to the petitioner and the respondents 3 and 4.”*

4. Considering that steps are now initiated, albeit belated, to look into the grievance of the petitioner, we dispose of the petition by issuing the following directions.

- i) The petitioner and respondents 3 and 4 shall appear before respondent 1-Collector, Nagpur on 07-8-2023.
- ii) After hearing all the stakeholders, respondent 1-Collector, Nagpur shall take an appropriate decision on or before 15-10-2023.

5. The petition is disposed of in the afore-stated terms.

(M.W. Chandwani, J.)

(Rohit B. Deo, J.)

*adgokar*