



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 WRIT PETITION NO. 12082 OF 2024

Kamalbhai Bhagwan Shete

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. D.R. Irale Patil

AGP for Respondent Nos. 1 to 3: Mrs. Pratibha J. Bharad

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**CORAM : MANGESH S. PATIL AND
PRAFULLA S. KHUBALKAR, JJ.**

DATED : 11 NOVEMBER 2024

PER COURT :-

The petitioner is raising a challenge to the resolution passed by the respondent - Gram Panchayat in the monthly meeting, thereby permitting / issuing no objection for shifting of the location of CL-III licence shop.

2. Keeping aside the issue regarding sustainability of the writ petition to this extent, in the light of the submissions being made by the learned advocate for the petitioner that there is no standing committee in existence, in order to resort to section 142 of the Maharashtra Village Panchayats Act, 1958 read with section 79 of the Maharashtra Zilla Parishad and Panchayat Samitis Act, 1961, as of now, admittedly, the Excise Department has not permitted shifting of the location of shop with CL-III licence, regarding which the Gram Panchayat has resolved to issue no objection certificate.

3. Consequently, till the time the Excise department does not permit relocation of the shop to a different place, there is no actionable wrong to the petitioner.

4. Keeping open the avenue to approach the Court again if and when the Excise department actually permits such shifting, the writ petition is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

(MANGESH S. PATIL, J.)

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