



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 WRIT PETITION NO. 12733 OF 2024

AYUB KHAN PATHAN AFZAL KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

Mr.Anil Kasliwal Jain, Advocate for the petitioner.

Mr.P.D. Patil, AGP for the respondent-State.

Mr.V.S. Undre, Advocate for respondent No.7.

CORAM : KISHORE C. SANT, J.

DATE : 11.12.2024

PC :-

01. Heard learned Advocates for the parties for some time. This petition is filed praying for setting aside communication dated 09.10.2024 issued by the District Collector Nanded to the District Collector, Kolhapur and recommendation dated 29.07.2024 by the Dy. Superintendent State Excise, Degloor forwarded to the Superintendent of Police State Excise, Nanded. It is apprehension that respondent Nos. 7 and 8 filed application for shifting of their licence from B Ward 1008 Mangalwar Peth, Kolhapur to Hanegaon, Degloor, Dist. Nanded. It is further apprehension that in view of recommendation already made the Authority would consider said application favourably.

02. This Court had initially asked the parties about locus-standi of

the petitioner for filing this petition, as the petitioner happens to be villager of village Hanegaon, where the transfer is prayed. Secondly the petition is premature as till date of filing and even as on today, no any order is passed by any of the Authority. Third question was about maintainability of the petition, as no order is passed.

03. Learned Counsel for the petitioner had sought time to give response to the queries. He relies upon judgment of Nagpur Bench of this Court in Letters Patent Appeal No. 278 of 2012 to show that the objectors have every locus-standi to challenge such order.

04. Learned Advocate Mr. Undre vehemently opposes the prayer. He submits that the judgment relied upon by the petitioner is not applicable to the present case. In that case, recommendations were already made by the Authority and the final proposal was pending before the Minister. He further submits that there is no order passed by any of the Authority. So far as LPA is concerned, there was already an order passed in revision and the matter was pending before the Minister. As on today, the proposal is only at the stage of consideration and the judgment in the LAP is not applicable. He relies upon order passed by Division Bench of this Court in PIL No. 114 of 2019 in the case of Yadav

Piraji Kolnure & Ors. Vs. The State of Maharashtra & Ors. In that order this Court had refused to entertain the LPA on the ground that the petition was premature and the Authorities such as Superintendent, State Excise and Collector yet to apply mind on the application received for shifting of the licence. It was only assumed that the Authorities would act as per the provisions of law and this Court had refused to entertain the PIL.

05. In the present case, it is seen that when the petition was filed even communication dated 09.10.2024 was not available with the petitioner and had not placed on record, though it is now made available today. The petition is only on the apprehension that the Authorities would pass order transferring the licence to village Hanegaon. This Court finds that thus this petition can be disposed off as it is always open for the petitioner to approach the Authorities and file their objections.

06. With this, the petition stands disposed off.

[KISHORE C. SANT, J.]