

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1761 OF 2024

VAIDHAV
RAMESH
JADHAV
Digitally signed by
Vaidhav Ramesh
Jadhav
DN: cn=Vaidhav Ramesh
Jadhav, o=VAIDHAV
RAMESH JADHAV, c=IN

Krushna Sai Restaurant & Bar
Through N. Yagneshwar Patil ... Petitioner

V/s.

The State of Maharashtra Through The
Office & Ors. ... Respondents

Ms. Bobby Malhotra for the petitioner.

Mr. P. G. Sawant, AGP for the State/respondent Nos.1
to 6.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 12, 2024

P.C.:

- 1. Rule.** Rule is made returnable forthwith.
- The petitioner is challenging order passed by the Principal Secretary (Appeals and Security) Home Department, Government of Maharashtra dated 30th November 2023. By the said order, the Appellate Authority confirmed the order passed by the Joint Commissioner of Police dated 4nd August 2023.
- On perusal of the record, it appears that the First Authority issued show-cause notice dated 12th December 2022. The show-cause notice called upon the petitioner to show cause as to why the license of the petitioner shall not be suspended for period of

three months. However, based on such notice, by order dated 4th August 2023, the First Authority has permanently cancelled the petitioner's license. The Appellate Authority has confirmed the order.

4. Based on show-cause notice for suspension of license, the action permanently cancelling the petitioner's license could not have been taken. Hence, on this limited ground the writ petition succeeds.

5. The orders dated 4th August 2023 and 30th November 2023 are quashed and set aside.

6. The First Authority is permitted to proceed with show-cause notice dated 12th December 2022, and in case of any other illegality, it will be open for the First Authority to take action in accordance with law. With this clarification, the writ petition stands disposed of. No costs.

7. Rule is made absolute in above terms.

8. Needless to state that the First Authority shall grant copy of all material which is the basis of action proposed to be taken against the petitioner and opportunity of hearing.

(AMIT BORKAR, J.)