

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6615 OF 2024

Sachin Kisan Gore,
Age: 44 years, Occu. Business,
R/o. Pride Green Filed Building,
First Floor, Pimpale Nilakh,
Tal. Haweli, Dist. Pune ..Petitioner

Versus

1. The State of Maharashtra,
Through the District Collector,
State Excise Department, Pune.
2. Superintendent of State Excise,
Pune.
3. The Election Commission of India,
Through its Election Commissioner,
New Delhi ..Respondents

Mr. Vikram S. Undre for the Petitioner.
Mr. P. P. More, AGP for Respondent Nos.1 & 2-State.

CORAM : A. S. CHANDURKAR &
JITENDRA JAIN, JJ.

DATE : 6th MAY 2024.

Judgment :- (Per A. S. Chandurkar, J.)

1. On the motion made by the learned counsel for the Petitioner.
The name of the Respondent No.3 is permitted to be deleted from the
array of parties. The deletion be carried out forthwith.
2. **Rule.** Rule made returnable forthwith. The learned Assistant
Government Pleader waives notice for Respondent Nos.1 and 2.

3. In this Writ Petition challenge has been raised to the order dated 2nd May 2024 passed by the Collector indicating the period for which licenses issued under the provisions of Maharashtra Prohibition Act, 1949 (for short “the Act of 1949”) cannot operate in view of the parliamentary elections. This direction was issued in exercise of powers under Section 142 of the Act of 1949. During the pendency of the Writ Petition, the aforesaid order has been modified on 4th May 2024. The learned counsel for the Petitioner has tendered copy of the modified order which is taken on record and marked as ‘A’ for identification.

4. The learned counsel for the Petitioner submits that as per the modified order, except for the restriction placed on such closure on the date of counting of votes which is 4th June 2024, the Petitioner has no other grievance. He submits that the closure of licenses on 4th June 2024 should be till the declaration of results and not the entire day. In that regard, the learned counsel seeks to rely upon the judgment of this Court in Writ Petition No.6389 of 2024 (***Navi Mumbai Hotel Owners Association & Anr. vs. The District Collector & Ors.***) decided on 3rd May 2024.

5. The learned Assistant Government Pleader for the Respondents submits to the orders of the Court.

6. Considering the reasons assigned in the decision in the case of *Navi Mumbai Hotel Owners Association & Anr. (supra)* it is clear that the restriction on the operation of licenses issued under the Act of 1949 can operate only till the declaration of the results on 4th June 2024. In view of aforesaid, clause 4 of the order dated 4th May 2024 for the Loksabha Constituencies of Baramati, Maval, Pune and Shirur on 4th June 2024 shall operate only till the declaration of results. The said order is modified only to that extent.

7. Rule is disposed of in aforesaid terms. No costs.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]