



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13486 OF 2023

Natraj Sanskrutik Kala Kendra Thr
its Proprietor

.....Petitioner

Vs.

The State of Maharashtra through its
Secretary and others

.....Respondents

Mr. Shrirang Katneshwarkar for the petitioner
Ms. S. S. Bhende, AGP for the State

CORAM : GAURI GODSE, J.

DATE : 29th JANUARY 2024.

P.C.

1. Learned AGP raises preliminary objection that there is Appeal provided before the State Government as per proviso to Section 33 of the Maharashtra Police Act for challenging the order impugned in this petition.

2. Learned counsel for the petitioner does not dispute that there is alternate remedy of Appeal. However, he submits that since

fundamental right of the petitioner has been breached, this petition may be entertained. He states that allegation were not against the institution but against the proprietor of the petitioner-institution. Hence, on the ground of allegation against the proprietor, renewal of licence should not have been refused.

3. Learned AGP states that the allegation against the petitioner are serious in nature as reflected in report dated 26th July 2023. She therefore submits that grant of renewal of licence would fall under the scope of Appellate Authority for deciding the allegations against the petitioner.

4. Perusal of the petition indicates that petitioner is represented through the proprietor against whom there are allegations pursuant to the report relied upon by the learned AGP. Hence, in view of the aforesaid, I do not see any reason to entertain this petition as there is an alternate remedy available to the petitioner.

5. Petition is disposed of as there is alternate remedy available to the petitioner. Petitioner is at liberty to adopt the remedy for filing the appeal. Since the petition is disposed of only on the ground that

alternate remedy is available, I have not examined the contentions on merits. Hence, all the contentions of the parties are kept open.

[GAURI GODSE, J.]