



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2742 OF 2022

Kavindra S/o Putraji Rohankar, Tah. Savli, Dist. Chandrapur

-VS-

The Block Development Officer, Panchayat Samiti, Sawli, Dist. Chandrapur and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri Tejas Deshpande, Advocate for petitioner.
Shri Suyash Agrawal, Advocate for respondent No.1.
Shri N. B. Kirtane, Advocate with Shri Himanshu Khedikar, Advocate for respondent No.2.
Shri A. D. Chaudhari, Advocate for respondent No.3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : February 02, 2024

P. C.

The petitioner's claim is for grant of no-objection by the respondent-Gram Panchayat for establishing and managing FL-II and CL-III license under the provisions of Maharashtra Prohibition Act.

2. We have perused the resolution passed by the Gram Sabha in its meeting dated 09/09/2021. Contentions are the said meeting was re-scheduled meeting of which fresh notice was not issued in accordance with law.

3. Shri N. B. Kirtane, learned counsel for respondent No.2-Gram Panchayat submits that fresh notice of re-scheduled meeting was given and to substantiate the same he relies on the record of the Gram Panchayat.

4. Be that as it may, sofar as exercising extra ordinary jurisdiction in favour of the petitioner is concerned, the petitioner cannot claim that right to trade in liquor is his fundamental right. However, he is justified

in claiming that protection guaranteed under Article 14 of the Constitution of India cannot be said to be not available to the petitioner a liquor license holder.

5. In the aforesaid backdrop, the learned counsel for the Gram Panchayat states that in case the petitioner applies afresh along with all the documents, in the next Gram Sabha meeting the said issue of granting no-objection to the petitioner can be considered.

6. So far as earlier meeting of Gram Sabha is concerned, the same was held almost more than two years back. In view of such a background it cannot be said that a case is made out for causing interference in extra ordinary jurisdiction particularly when the petitioner is granted liberty to apply afresh by the Gram Panchayat.

7. That being so, the writ petition is disposed of with liberty to the petitioner to approach the Gram Panchayat, Vyhad Khurd, Dist. Chandrapur afresh for consideration of his prayer for no-objection for running liquor license in accordance with law.

8. No costs.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)