



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition (WP) No. 5272 of 2024

Rajkumar Umesh Mandal

Versus

The State of Maharashtra, through Collector, Chandrapur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.Anilkumar, Advocate along with Shri Yash
Kullarwar, Advocate for the petitioner.
Shri Devendra Chauhan, Senior Advocate and
Government Pleader assisted by Mrs. Mrunal Naik,
AGP for the respondents/State

CORAM : N.R.BORKAR, J.

DATED : 27th NOVEMBER, 2024.

This petition takes exception to the order dated 24th January, 2024 passed by the respondent no.1 - Collector, Chandrapur.

2. On 24th February, 2020 a premises license was granted in favour of the petitioner for running a video game parlour in terms of the Rules for Licensing & Controlling Places of Public Amusement (other than Cinemas) and Performance for Public Amusement,

including Cabaret Performance Discotheque, Games, Pool Games Parlours, Amusement Parlours Providing Computer Games, Virtual Reality Games, Cyber Cafes, Games with Net Connectivity, Bowling Alleys, Card Rooms, Social Clubs, Sports, Melas and Tamashas Rules, 1960.

3. By the order impugned the respondent no.1 Collector has refused to renew the said premises license.

4. I have heard learned counsel for the petitioner and learned Senior Counsel and Government Pleader on behalf of the respondents/State.

5. The respondent no.1 has refused to renew the license on the ground that there is no separate / independent parking place for the customers in front of the premises in question.

6. This Court in identical writ petitions being writ petition no. 136 of 2014 and other connected petitions decided on 22nd March, 2024, has passed the following order :

“10. The order issued by the Competent Authority dated 15.11.2023 would go to show that the license is cancelled only on one ground i.e. no separate parking space provided for the customers attending the parlour. Thus, it is clear from the record that license is cancelled only on the ground of want of parking space provided by the petitioner.

11. The ratio laid down in the above decision would clearly reveal that such ground is not available with

the concerned authorities for cancellation of license.

On this ground alone, the petition needs to be allowed. Accordingly, the impugned order is quashed and set aside.

12. The learned counsel for the petitioner submits that by common affidavit filed, the petitioners are ready and willing to give undertaking to the concerned authority that they will provide separate parking space for the customers attending the said parlour. Statement is accepted. The petitioner to furnish such undertaking before the Competent Authority.”

7. In view of the above decision of this Court, the impugned order passed by the respondent no.1-Collector is quashed and set aside.

8. The respondent no.1-Collector shall renew the license in question in accordance with the rules.

9. The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]