



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

**CIVIL APPLICATION (W) NO. 1257 OF 2024 IN
WRIT PETITION NO.1945 of 2024**

AND

WRIT PETITION NO.1945 of 2024

Raju Motiram Giradkar

vs.

Ministry of State Excise Duty Department, Mumbai and others.

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

Court's or Judge's Order

Shri C. F. Bhagwani, Advocate for petitioner.

Shri A. M. Kadukar, Assistant Government Pleader for respondent nos.1 & 2.

Shri S.G.Jagtap, Advocate for respondent no. 3.

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

DATE :- 19th JUNE, 2024

Heard.

2. The petitioner, a public spirited person is questioning shifting of FL-III license of the respondent no.3.

3. Mr. Bhagwani, learned counsel appearing for the petitioner informs that after the prohibition order of the Collector, the same is allowed under Section 137(2) of the Maharashtra Prohibition Act, 1949 by the Commissioner in appeal. As such, the petitioner wants to bring on record these subsequent events and for joining the Commissioner as party respondent. Hence this application for amendment.

4. As against above, Mr. Jagtap, learned counsel appearing for the respondent no.3 would urge that the petitioner can question the said order under Section 138 of the Maharashtra Prohibition Act, by invoking revisional jurisdiction. Even otherwise, the subject matter of the petition has rendered infructuous.

5. There appears substance in the contentions of Mr. Jagtap.

6. That being so, we deem it appropriate to dispose of the petition with liberty to the petitioner to question the order of the Commissioner under Section 138 of the Maharashtra Prohibition Act, 1949 by invoking revisional jurisdiction of the State Government or he may take recourse to such remedy as is permissible and available in law.

7. With these observations, the civil application and the writ petition stand disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.