



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

WRIT PETITION NO. 3437 OF 2024

(M/s. City Restaurant & Bar

Vs.

State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Z.Z. Haq, Advocate for the Petitioner.
 Mr. S.A. Ashirgade, Addl.GP for the Respondent/State.
 Mr. M.A. Vishwarupe, Advocate for the Respondent No.3.

CORAM: N.R. BORKAR, J.

DATED : 27th JUNE, 2024

Mr. Ashirgade, learned Addl.GP for the Respondent Nos. 1 & 2/State, seeks time to file affidavit-in-reply.

2. At his request, list the matter on **19.07.2024**.

3. Mr. Haq, learned Counsel for the Petitioner, submits that his prayer for interim relief be considered as the order of the Collector is contrary to law, facts and settled principles of natural justice. It is submitted that, during the pendency of Appeal there was a stay to the order of the Collector.

4. On the other hand, the learned Counsel for the

Respondent No.3, submits that the prayer for interim relief may not be considered at this stage and it be considered after filing of affidavit-in-reply by Respondent Nos. 1 and 2.

5. On the last date, the matter was adjourned to enable the learned Addl.GP to seek instructions in relation to findings recorded by the Collector in the impugned order. Today, the learned Addl.GP has produced the relevant record. *Prima-facie* it appears that, in relation to the alleged breaches, no show cause notice was issued to the Petitioner before passing of the impugned order.

6. In that view of the matter and as during the pendency of Appeal, the order passed by the Collector dated 29.02.2024 was stayed, it would be appropriate to stay the order of the Collector till the next date. Ordered accordingly.

(N.R. BORKAR, J.)