



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

WRIT PETITION NO. 4913 OF 2024

Aravind Manohar Kinge

-Vs.-

State of Maharashtra and another

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

Mr.Akshay A. Naik, Sr.Adv. i/b Mr.Rohan Deo, Adv. for the petitioner.
Mr.H.R.Dhumale, AGP for the respondents-State.

**CORAM : AVINASH G. GHAROTE &
SMT.M.S.JAWALKAR, JJ.**

DATE : 22ND AUGUST, 2024

The petition questions the order dated 16/08/2024 (Pg.36), passed by the Collector, Buldhana in exercise of the power under section 142(1) of the Maharashtra Prohibition Act shutting down the FL-III licence granted in favour of the petitioner permanently. Mr.Naik, learned Sr.Advocate for the petitioner, submits that such an action is not permissible in exercise of the power under section 142(1) of the Maharashtra Prohibition Act as that only permits a temporary closure of the premises for a specified period. Section 142(1) of the Maharashtra Prohibition Act reads as under :

**“142. Power of Collector to close place where
intoxicant or hemp is sold in certain cases.**

(1) If the Collector is of opinion that it is
in the interest of public peace to close any place
in which any intoxicant or hemp is sold it shall be

lawful for the Collector by an order in writing to the persons holding a licence for the sale of such intoxicant or hemp to require him to close such place at such time or for such period as may be specified in the order.”

2. A perusal of the order dated 16/08/2024, indicates, that the FL-III licence has been directed to be closed without specifying any period or time for which it is to be so done, in view of which, the same is not sustainable, in view of the mandate of Section 142(1) of the Maharashtra Prohibition Act, as a result of which, the same is hereby quashed and set aside. The petition is accordingly allowed in the above terms. No costs.

3. Needless to say, that the complaint filed by Manisha Milind Dhake and others shall be decided according to the Rules and Regulations.

(SMT.M.S.JAWALKAR,J) (AVINASH G. GHAROTE, J)