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49-WP-815-2025

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

49 CRIMINAL WRIT PETITION NO. 815 OF 2025

Satvashila Babasaheb Andhare

VERSUS

The State Of Maharashtra And Another

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Mr. S. S. Jadhavar h/f Mr. Pradeep G. Tambade, Advocate for the
Petitioner.

Mr. S. B. Jadhav, APP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 16th JULY 2025

PC :-

1. Heard Mr. Jadhavar, the learned Advocate for the petitioner and
Mr. Jadhav, the learned APP for Respondent-State. The matter is taken
up for for final disposal at the stage of admission with the consent of the
parties.

2. The petitioner is aggrieved by an order dated 15th May 2025,
passed by the learned Collector, Beed, cancelling the performance
license of the petitioner. By way of impugned order, the Kala Kendra,
namely, Mahalaxmi Loknatya Sanskrutik Kala Kendra, Umri, Taluka, Kaij

Dist. Beed, run by the present petitioner, is directed to be closed down by cancelling the license. Though the submissions are made on the point of law, the main submission made is that the action is taken on the basis of a report received from the Superintendent of Police, Beed without giving copy of the same.

3. It is the case of the petitioner that he was issued the first notice on 2nd May 2025, calling for an explanation asking him as to why no action of cancellation of license be taken. The petitioner appeared before the learned Collector and sought time on 06th May 2025. In view of the request, hearing was adjourned to 13th May 2025. A fresh notice was issued on 6th May 2025, directing the petitioner to appear on 13th May 2025. The petitioner appeared on 13th May 2025, and again prayed for a copy of the report submitted by the Superintendent of Police. The learned Advocate submits that inspite of this, no copy was served and order came to be passed on 15th May 2025.

4. Learned Advocate further submits that the order is passed without following principles of natural justice. There is no record to show that a copy of the report was ever supplied to the petitioner. There is no

reference in the order as well showing that a copy of the report was supplied to the petitioner. He submits that twice he pointed out to the learned Collector that no copy of the report was received and still he passed an order. He thus prays for quashing and setting aside the impugned order.

5. Learned APP vehemently opposed the petition. He submits that there are offences pending against the present petitioner. The petitioner herself has annexed to her petition a copy of the FIR bearing No.0186/2025 registered with Kaij Police Station, for the offences punishable under Section 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956 and Section 143 of the Bharatiya Nyaya Sanhita, 2023. He thus submits that principles of natural justice are follows. He justifies the action of the Collector and prays for rejection of the writ petition.

6. After hearing the parties and going through the petition paper book and the reply, it is seen that no copy of the report was given to the petitioner. Even in the reply, there is no averment about service of the report upon the petitioner. Considering that, this Court finds that

without going into merits, it would be proper to quash and set aside the impugned order by further directing the authorities to give an opportunity of hearing to the petitioner after providing him a copy of the report and any other documents on the basis of which the action is sought to be taken. It shall be open for the authorities to issue fresh notice, to conduct a fresh hearing and to pass an appropriate order.

7. Petition is allowed in terms of prayer clause (B).
8. If the learned Collector desires to take any action, he shall first give copy of the report to the petitioner, and thereafter, action shall be taken as per law.
9. With this, writ petition stands disposed off.

[KISHORE C. SANT, J.]