



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14763 OF 2025

Sangita Badam Musale And Another

VERSUS

The State Of Maharashtra And Others

Mr. S. B. Bhosale, Advocate for petitioners

Mr. V. M. Kagne, AGP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 23rd December, 2025

ORDER PER :- (Hiten S. Venegavkar, J.)

1. Petitioner has approached this Court under Article 226 challenging communication dated 23.09.2025 issued by the District Collect-respondent No. 3, by which the business of the petitioner is being stalled. The petitioner is also seeking directions to respondent Nos. 3 and 5 for issuing building permission in favour of the petitioner as per the proposal submitted on 26.02.2024. There is further directions sought from this Court to permit the petitioners to convert the temporary structure of Tin into permanent structure as required by Rule 8 to 22 of Chapter III of the "Rules for Licensing and Controlling places of Public Amusement (other than Cinema's) and Performances for Public Amusement, including Mela's and Tamasha's 1960" with immediate effect. The petitioner states that petitioners have obtained performance certificate on 17.02.2022 from the authorities and have purchased

agricultural land at village Thapti Tanda, Tq. Paithan, Dist. Chhatrapati Sambhajinagar. After obtaining N. A. permission on 28.06.2022, a development permission was also obtained from the authorities on 17.08.2022. The petitioner thereafter has started Kala Kendra under the name "Kulswamini Kala Kendra" in the above mentioned place and thereafter applied for permissions and No Objection Certificate to the office of District Collector. In pursuance of the said application, District Collector has sought report from the Superintendent of Police and after obtaining the report from the Superintendent of Police, respondent No. 2 passed an order dated 23.12.2022 informing the petitioners that since the issuance of performance licence is held to be out dated and as such, there is no necessity to obtain the permission to open the Kala Kendra and accordingly, the said application came to be disposed of. The petitioner therefore, contends that the District Collector has thus neither decided the application of the petitioner nor have issued any performance licence in favour of the petitioners and therefore, the petitioners approached this Court by filing Writ Petition No. 7509/2023 seeking direction to issue performance licence in favour of the petitioners. The said petition was disposed of by order dated 10.07.2023 wherein the learned AGP has made a statement that the applications will be decided. On 12.12.2022, the District Collector has disposed of the applications submitted by the petitioners which was also confirmed by this Court in the judgment dated 10.07.2023 by directing the petitioners

to submit a comprehensive representation which was submitted by the petitioner on 29.09.2023 giving all the details. The petitioners states that after submitting the representation on 29.09.2023, the petitioners have started constructing temporary structure and after structure was completed, petitioners have started the business of Kulswamini Kala Kendra since 16.06.2024 under the provisions of Bombay Police Act, 1951 and Rules there under. Respondent No. 3 by its communication dated 19.03.2024, 10.05.2024 and 25.06.2024 has submitted a report stating that there is requirement for issuance of building permission under the provisions of Bombay Police Act. The petitioner therefore, states that the District Collector ought to have decided his application dated 26.02.2024 for obtaining the building permission and in absence of that, they again had to approach this Court by way of Writ Petition No. 1263/2025 for directions to decide the said representation. The writ petition came to be disposed of with directions to respondent No. 3 to take appropriate decision on the petitioners representation as expeditiously as possible and in any case within a period of eight weeks in accordance with law. The petitioners states that the said decision is still pending and in the meantime respondent No. 2 issued impugned communication dated 23.09.2025 stating that the petitioners should submit reply within a period of seven days failing which appropriate action would be taken against the petitioner. Said communication further stated that during pendency of the inquiry, the business of the

petitioners will stand closed. The contention of the petitioner is that when the inquiry is pending, the District Collector has no authority to close down his business and therefore, the action of directing closure of his business is bad in law. In respect of the same, he relies upon the Judgment and order passed by this Court in case of **Renuka Sanskritik Kala Kendra through its Proprietor Vs. The State of Maharashtra and others** in Criminal Writ Petition No. 2029/2019 dated 09.02.2021 and also judgment and order passed by this Court in case of **Maya Bansi Andhare Vs. The State of Maharashtra and others** dated 14.08.2025 in Criminal Writ Petition No. 96/2025

2. We have perused Rule 238 of the Rules for Licensing and Controlling places of Public Amusement (other than Cinema's) and Performances for Public Amusement, including Mela's and Tamasha's 1960 which supports the contention of the present petitioner. Taking into consideration the said rule, the Court in above judgments, have observed that "upon the evidence, in breach of terms or stipulation in the event, the said licence authority would get power to suspend and cancel the licence". When show cause notice is issued in the present case and petitioner has submitted his reply and participated in inquiry, there could not have been order for closing down the business. As far as present petition is concerned, the said inquiry is still in process and under consideration by the District Collector and pending the said inquiry, the

District Collector had no authority to pass such interim directions of closure of business. At this stage, we directed learned AGP to take instructions from the authorities as to within how much period the inquiry will be completed.

3. Upon taking instructions, learned AGP submitted that the portion of impugned communication by which interim directions are issued in respect of closure of the petitioners business is concerned, authorities are ready and willing to withdraw that statement. He further states that the inquiry in respect of Prayer Clauses B, C and D, which is pending with the District Collector will be completed within a period of eight weeks from today. The statement of the AGP is accepted as undertaking to this Court. The respondent No. 3 is directed to complete the inquiry as stated above within a period of eight weeks from today. Till then petitioners are at liberty to conduct their business strictly in adherence to the licenses which has been issued. Accordingly petition stands disposed of.

4. Parties to act on authenticated copy.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi