

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 18224 OF 2024

Nanda Kumar Shinde ...Petitioner
Vs.
The Collector of Satara & Ors. ...Respondents

Ms. Veena Thadhani with Ms. Bharti Nyaynirgune and Ms. Rutuja Gaikwad, for Petitioner.
Mr. Y. D. Patil, AGP for the State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 13 JANUARY 2025

P.C.

1. Affidavit in reply filed on behalf of the State is taken on record.
2. We have heard Ms. Thadhani, learned counsel for the petitioner and Mr. Patil, learned AGP for the State.
3. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

“(a) Rule may kindly be issued in the present Writ Petition;

(b) for Writ of Mandamus or a Writ in the nature of Mandamus or any other Writ, Order or Direction of this Hon’ble Court, preventing the 1st & 2nd Respondents from initiating any further action pursuant to reverification carried out on 14/10/2024 of the women voters, in the light of the Order passed by the Collector on 11/10/2024 holding that 25% women voters had not demanded prohibition, no further steps could be taken to close down the Petitioner’s business.”

4. On the earlier occasion i.e. on 7 January 2025 we had passed the following order:-

- “1. Let reply affidavit to this petition be placed on record on or before 11 January, 2025.
2. We are informed that an election for participation of women in the decision subject matter of challenge is being held on 11 January, 2025. Let the election be held, however, any result of the election be not acted upon till further appropriate orders are passed by this Court.
3. List the proceedings on 13 January, 2025 (H.O.B).”
5. Accordingly, the elections were held on 11 January 2025 where women have now voted against the petitioner, i.e., not to have the petitioner liquor outlet. Such decision/order would be now required to be passed by the Collector notifying the mandate of the election. Let such order be passed within one week from today. After such order is passed, the petitioner is at liberty to take recourse to a statutory appeal, if the petitioner feels aggrieved by such order, which be filed within a period of two weeks from the date of such order. We also permit the petitioner to move a stay application before the appellate authority. To enable the petitioner to do so, for a period of two weeks from the date of the said order, no coercive action be taken against the petitioner. Ordered accordingly.
6. All contentions of the parties on the proposed proceedings are expressly kept open.
7. Disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)