

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6340 OF 2025

Lahuraj Abhimanyu Titave ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Arvind D. Aswani for the Petitioner.
Mr. S. D. Rayrikar, AGP for Respondent Nos.1 and 2.

**CORAM: MANISH PITALE, J.
DATE : 18th JUNE 2025**

P.C. :

. Heard learned counsel for the petitioner and the learned AGP for the respondents.

2. The petitioner has filed the present petition challenging an order dated 30th March 2025 passed by the respondent No.2, permanently suspending a beer shop license of the petitioner called an F.L.B.R.-II license.

3. A preliminary objection is raised on behalf of the respondents on the ground that statutory challenges are available to the petitioner and yet, he has directly knocked the door of the writ Court. In response, the learned counsel for the petitioner submitted that there is flagrant violation of principles of natural justice in the present case and solely on that ground, the petitioner has approached this Court and hence, the writ petition is maintainable.

4. In order to support the said allegation of violation of principles of natural justice, it is brought to the notice of this Court that upon show cause notice being issued to the petitioner, during the period when he was supposed to respond to the same, unfortunately he suffered a major road accident and he remained admitted in hospital from 19th March 2025 to 19th April 2025. It is submitted that this fact was brought to the notice of respondent No.2 by the wife of the petitioner by submitting an appropriate letter along with documents. Despite taking note of the said fact, the respondent No.2 proceeded to pass the impugned order, in the absence of the petitioner.

5. This Court has perused the documents filed along with the petition. A copy of the discharge summary placed at Exhibit 'C' (colly) with the petition, shows that the petitioner was indeed admitted in hospital from the date of the accident i.e. 19th March 2025 till 19th April 2025. The documents show that the petitioner met with a serious road accident, which caused a traumatic brain injury to him. In such circumstances, in response to the show cause notice dated 20th March 2025, the petitioner's wife had submitted a letter on 25th March 2025 before the respondent No.2, informing the said respondent about the fact that the petitioner had suffered injuries in the serious road accident and that he was undergoing treatment. It was further submitted that in such circumstances, the petitioner was unable to remain present before respondent No.2.

6. The impugned order dated 30th March 2025 shows that the respondent No.2 indeed took note of the said communication sent by the wife of the petitioner and yet, proceeded to consider the matter in absence of the petitioner, leading to the impugned order permanently suspending the license of the petitioner.

7. The aforesaid circumstances sufficiently indicate that there is substance in the contention raised on behalf of the petitioner regarding flagrant violation of principles of natural justice by respondent No.2, while passing the impugned order. One fails to understand as to what was the tearing hurry for the respondent No.2 to consider the matter and to pass the order on 30th March 2025 itself, when the fact about the petitioner being hospitalized, as a consequence of a serious road accident, was indeed brought to the notice of the respondent No.2 and it was even recorded in the impugned order.

8. Therefore, only on the said ground of violation of principles of natural justice, this Court is inclined to hold in favour of the petitioner. It is settled law that the reluctance of a writ Court in exercising jurisdiction in the face of existence of an alternative remedy is more a rule of prudence than a rule of law and that the Court in a given set of circumstances, where the impugned order is passed by violating principles of natural justice, can entertain the writ petition and pass appropriate orders in the interest of justice. This is one such case where this Court is inclined to exercise jurisdiction.

9. In view of the above, the petition is allowed. The impugned order dated 30th March 2025 is quashed and set aside. The consequences of quashing and setting aside the impugned order shall follow.

10. The respondent No.2 is at liberty to proceed against the petitioner, in accordance with law.

MANISH PITALE, J.