

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

WRIT PETITION NO. 14266 OF 2025

M/s. D. for Queen Hynes In Restaurant
through its Proprietor K.B. Makwana

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Mr. R.D. Soni with Mr. Sujay Gawade, Ms. Sumedha Dhopate, Ms. Mudita Pawar and Ms. Mihika Save i/b. Shree & Co. for the Petitioner
Mr. P.G. Sawant, AGP for Respondents - State

CORAM : FARHAN P. DUBASH, J.

**DATE : 28TH OCTOBER 2025
(VACATION COURT)**

P.C. :

1. Heard Mr. Soni, learned Counsel for the Petitioner and Mr. P. G. Sawant, learned AGP, who appears for the Respondents.
2. Rule. The Respondents waive service. Rule made returnable forthwith and by consent of parties this Petition is heard and disposed of finally.
3. By the present Petition, the Petitioner has challenged an order dated 17th September 2025 (impugned order) passed by the Deputy Commissioner of Police, Mira Road, Thane (Respondent No.4 herein) under which, the license of the Petitioner to conduct an Orchestra in its premises

has been suspended under the provisions of the Rules for Licensing and Controlling Places of Public Amusement (other than Cinemas) and Performances for Public Amusement, including Melas and Tamasha's (Entertainment Rules), 1960.

4. Mr. Soni points out that the Petitioner has challenged the impugned order dated 17th September 2025 by filing an appropriate Appeal and also a Stay Application before the Divisional Commissioner, Konkan Division, Mumbai (Respondent No.2 herein) on 10th October 2025 which are pending adjudication. However, he submits that during this intervening period, the Authorities seek to implement and execute the impugned order thereby preventing the Petitioner from conducting the Orchestra in its premises.

5. Attention of this Court is invited to several past judicial precedents in which, this Court after considering a similar factual scenario had granted a stay on the execution of the (license suspension) order (impugned therein) pending adjudication of the statutory Appeal in those cases. Mr. Soni urges this Court to pass a similar order in the instant case.

6. Mr. Sawant, learned AGP, who appears on behalf of the Respondents, on instructions, submits that Respondent No.2 will make best efforts and endeavors to hear and decide the Appeal and Stay Application filed by the Petitioner before 30th November 2025.

7. Considering the above, the following order is passed :-

ORDER

- (i) The Petition stands partly allowed.
- (ii) Respondent No.2 shall hear and decide the Appeal and Stay Application filed by the Petitioner challenging the impugned order dated 17th September 2025, as expeditiously as possible and preferably, before 30th November 2025. The Petitioner shall co-operate with Respondent No.2 and shall not seek any adjournment in the matter.
- (iii) Till the hearing and final disposal of the Appeal and Stay Application, the execution and operation of the impugned order dated 17th September 2025 shall be stayed.
8. The above Petition is disposed of in the aforesaid terms.

(FARHAN P. DUBASH, J.)

JYOTI
PRAKASH
PAWAR

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