

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODGING) NO. 26055 OF 2025
WITH
WRIT PETITION NO. 3636 OF 2025**

Saurabh Shekhar Shetty ... Petitioner
vs.
Deputy Commissioner of Police and others ... Respondents

Mrs. Veena Thadhani a/w. Ms. Rutuja Gaikwad for petitioner in both petitions.

Mr. Vikrant Parshurami, AGP for respondents-State in WPL/26055/2025.

Mr. Suraj Gupte, AGP for respondents-State in WP/3636/2025.

**CORAM : MANISH PITALE, J.
DATE : 09th OCTOBER, 2025**

P.C. :

. The petitioner in these petitions is aggrieved by impugned orders dated 24.07.2025 [challenged in Writ Petition No.3636 of 2025] and 30.07.2025 [challenged in Writ Petition (Lodging) No.26055 of 2025], whereby amusement licenses granted for orchestra to the petitioner, have been suspended.

2. It is undisputed that these impugned orders are made subject matter of challenge by way of appeals before respondent No.2-Divisional Commissioner. While the appeals are pending, it is the grievance of the petitioner that specific date of hearing is not allotted and therefore, the petitioner was constrained to rush to this Court by way of these two petitions to seek relief.

3. This Court granted interim relief in favour of the petitioner in both these petitions on 26.08.2025. As a consequence, the impugned orders of suspension of amusement licenses for orchestra, are in

abeyance. The stay orders have continued to operate during the pendency of these petitions.

4. This Court is of the opinion that since substantive appeals filed by the petitioner, are pending before respondent No.2-Divisional Commissioner, it would be appropriate that the appeals are decided on merits and during the pendency of the appeals, the interim order granted by this Court continues to operate.

5. The petitioner has also prayed for a further relief to the extent that in the event the respondent No.2-Divisional Commissioner passes adverse orders against the petitioner, the interim stay may be extended for a specific period of time, to enable the petitioner to challenge such orders, if the occasion arises.

6. The learned counsel for the respondents have opposed the aforesaid contentions made on behalf of the petitioner. But, this Court is of the opinion that since the petitioner has indeed availed of the substantive remedy of filing appeals before respondent No.2-Divisional Commissioner and the petitioner cannot be stated to be at fault for the appeals not having been decided on merits, the limited relief claimed by the petitioner can be granted.

7. In view of the above, it is directed that respondent No.2-Divisional Commissioner shall decide the pending appeals of the petitioner on merits. For that purpose, the petitioner shall appear before respondent No.2-Divisional Commissioner on 13.10.2025. On the said date, the said respondent shall fix a date for hearing. The said respondent shall grant reasonable opportunity of hearing to the petitioner and principles of natural justice shall be complied with, while deciding the pending appeals on merits.

8. The interim stay granted by this Court in both the petitions shall continue to operate, till the pending appeals are decided by the said respondent.

9. In the event respondent No.2 passes adverse orders against the petitioner in the appeals, the interim stay granted by this Court shall continue to operate for a further period of two weeks, to enable the petitioner to challenge such orders, if the occasion arises.

10. With these directions, the writ petitions are disposed of. Pending applications, if any, also stand disposed of.

(MANISH PITALE, J)

Priya Kambli