



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 4851 of 2025

Parmanand Jaiswal, represented through POA-Sunil C. Wankar and others.

vs.

The State of Maharashtra and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Sunil Bodalkar, Advocate and Mr. Parth Malviya, Advocate for petitioners.
Mr. N. S. Rao, AGP for respondents/State.

CORAM :- ANIL S. KILOR and AJIT B. KADETHANKAR, JJ.

DATE :- 22ndAUGUST, 2025

Heard learned counsel for the parties.

2. A communication dated 21.08.2025 issued by the respondent no.1 directing all the license holders of CL-III, FL-III, CL-II and FL-II licenses and beer shoppes to close down their shops within the jurisdiction of Maregaon Police Station, District Yavatmal on 22.08.2025 from 2.00 p.m. on account of 'Pola Festival', is under challenge in this petition.

3. The aforesaid order came to be issued by the respondent no.1 by exercising powers under Section 142(2) of the Maharashtra Prohibition Act. Section 142(2) reads thus:

'142(2): If a riot or unlawful assembly is imminent or takes place it shall be lawful for any Executive Magistrate or Police Officer who is present to direct that such place shall be closed and kept closed for such period as he thinks fit and in the absence of any Executive Magistrate or Police Officer the person referred to in sub-section (1) shall himself close such place.'

4. It is thus evident from the aforesaid provision that if a riot or unlawful assembly is imminent or takes place, it shall be lawful for any

Executive Magistrate or Police Officer to direct such place shall be closed and kept closed for such period as he thinks fit.

4. In the present matter, the impugned order speaks apprehension about law and order situation because of '*Pola Festival*' in 104 villages within the jurisdiction of Maregaon Police Station in district Yavatmal. There is no material to have such apprehension as expressed by the respondent no.2.

5. The learned Assistant Government Pleader has produced a letter issued by the District Collector to all the Police Inspectors in Yavatmal district pointing out the power under Section 142(2) of the Maharashtra Prohibition Act.

6. However, in absence any material pointing out any basis to have an apprehension of law and order situation is not sufficient to issue such an order. There must be a satisfaction which would give power to the Authority under Section 142(2) of the Maharashtra Prohibition Act.

7. In absence of such satisfaction, we are of the opinion that the present case is covered by the judgment of the co-ordinate Bench of this Court in the cases of *Renuka Dinkarrao Mahatme and ors vs. The Collector, Amravati and others* in **Writ Petition No. 6475 of 2023** decided on 27.09.2023 and *Shyam Kisanrao Mehetre vs. The State of Maharashtra and another* in **Writ Petition No. 304 of 2023** decided on 11.01.2023.

8. In the circumstances, we pass the following order:

- (i) The writ petition is allowed.
- (ii) The impugned order dated 21.08.2025 passed by the respondent no.1 directing closing down of liquor shops and establishments having CL-III, FL-III, CL-II and FL-II licence within the jurisdiction of Maregaon Police Station in Yavatmal district on

22.08.2025 post 2.00 p.m. on the occasion of '*Pola* Festival' is hereby quashed and set aside.

9. Authenticated copy of this order be furnished to the parties.

(AJIT B. KADETHANKAR J.)

(ANIL S. KILOR, J.)

Andurkar.