



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

WRIT PETITION NO. 2888 OF 2025

Singham Wine Bar and Restaurant, Khamgaon and others ..vs.. The Collector, Buldhana)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. J.B. Kasat, Counsel for the petitioners.

CORAM : ABHAY J. MANTRI, J.

DATE : 06-06-2025

Heard Mr. J.B. Kasat, learned Counsel for the petitioners and Ms. M.R. Kavimandan, learned Assistant Government Pleader for the respondent.

2. The learned Counsel for the petitioner raised the ground that the respondent-Collector has not followed the mandate under Section 142 of the Maharashtra Prohibition Act and, without satisfying himself or forming his opinion regarding breach of public peace, passed the impugned order in violation of the section 142 of the Act, therefore, he prayed to stay the said order.

To buttress his submission, he has relied on the decisions of this Court in *Writ Petition No.1567/2022 (Rahul s/o Babanrao Deshmukh v. The State of Maharashtra and another)* decided on 17-3-2022 and *Shyam v. State of Maharashtra, 2023 SCC OnLine Bom 3094* and submitted that the case in hand is squarely covered by the mandate laid down in the said decision.

3. On perusal of the impugned order, at the outset, *prima facie*, it appears that the respondent-Collector, without recording his satisfaction or forming his opinion, passed the impugned order for closure of the liquor shops in the Buldhana District. The Collector has not given any satisfactory reason for passing the order under Section 142 of the Maharashtra Prohibition Act.

4. Thus, considering the aforesaid facts as well as the mandate laid down in the above-cited decisions, *prima facie* I find substance in the contentions of the learned Counsel for the petitioners in that regard. Hence, issue a notice to the respondents, returnable after two weeks.

5. Ms. M.R. Kavimandan, learned Assistant Government Pleader, waives service of notice for the respondent.

6. Till then, the impugned order dated 04-06-2025 is stayed.

7. The learned Assistant Government Pleader shall inform the Collector about the stay of the impugned order, forthwith.

(ABHAY J. MANTRI, J.)