



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

WRIT PETITION NO. 3443 OF 2025

Sagar s/o Suresh Aamle
Aged about 43 Years, Occu : Business; R/o
Behind Police Station, Wadsa Road,
Bramhapuri, Tahsil Bramhapuri, District
Chandrapur.

... PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary, Ministry of Home
Affairs, Mantralaya, Mumbai-400 032.
2. The Commissioner, State Excise Mumbai,
Having its office at Mumbai – 23.
3. The Collector, Chandrapur
Collector Office, Chandrapur.
4. The Superintendent of Excise,
Having its office at Chandrapur, District
Chandrapur.
5. The Superintendent of Excise,
Having its office at Jalna, District Jalna.
6. Sub Divisional Engineer, Public Works
Department, Public Works Sub Division,
Bramhapuri, Tahsil Bramhapuri, District
Chandrapur.

7. Suresh s/o Gajilal Jaiswal
Aged about Major, Occu : Business, R/o Plot
No. 107, Flat No. 302, Saptashrungi
Heights, Near Abhinandan School, Babu
Nagar, Hanuman Nagar, Nagpur.

... RESPONDENTS

Mr. R. D. Karode, Advocate for Petitioner.

Mr. Abhay Sambre, Advocate for Respondent No.7.

Mr. B. M. Lonare, AGP for Respondent Nos.1 to 6.

CORAM : SACHIN S. DESHMUKH, J.
DATE : JULY 28, 2025.

ORAL JUDGMENT

. Heard. **Rule.** Rule made returnable forthwith. By consent of parties, Petition is heard finally at the stage of admission.

2. The challenge is to the impugned order dated 3/9/2024 passed by the Respondent No.1/Minister, thereby permitting the Respondent No.7 to transfer CL-III licence from Jalna to Chandrapur district.

3. Mr. Karode, learned Counsel for the Petitioner has raised an objection at the first place that no opportunity was extended by the Minister, while not hearing the Petitioner, although the objections were presented. The other contention put-forth on behalf of Petitioner is the distance to be maintained in the wake of the Notification issued by the Home Department

dated 23/2/2021, mandates the aerial distance of 200 meters to be maintained between the premises where the shifting of new premises is permitted which is not being complied in the present case. *Per contra*, Mr. Abhay Sambre, learned Counsel for the Respondent No.7 and Mr. Lonare, the learned AGP had supported the order rendered by the Minister.

4. Perused the objections raised by the Petitioner (Page 51 and 56) which is lodged with the Collector and the Superintendent of State Excise, whereas admittedly when the Petitioner was aware that hearing has taken place before the Minister in Mantralaya, Mumbai as such it cannot be concluded that any objection is really presented by the Petitioner before the Authority who has passed the order. So far as issue of distance as provided in amended Rule 25 is concerned, there are three different certificates in relation to distance issued by the same authority. As such it involved serious disputed questions of fact, same cannot be gone into.

5. Thus, it appears that the Petitioner was well aware of the fact that the Minister is seized with the issue of granting permission, it is evident from the Writ Petition No.10511/2024, wherein initially interim order dated 25/9/2024 was passed from effecting transfer and eventually the said Petition is dismissed, as the concerned Petitioner therein had no locus.

6. Apart from filing of the aforesaid Petition, one more Petition was presented at the instance of present Petitioner bearing Writ Petition No. 2505/2025. Thus, it is evident that the Petitioner was well aware of the fact that the concerned Minister was seized with the matter. As such, the ground put-forth on behalf of the Petitioner that no hearing was conferred upon him, is not available, since the Petitioner has consciously chosen not to participate in the proceeding before the concerned Minister. As a result of which, Writ Petition is dismissed. No costs.

7. Rule stands discharged accordingly.

(SACHIN S. DESHMUKH, J.)

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