



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

WRIT PETITION NO.5579 OF 2025

SMT. LALITA W/O. RAMESH JAISWAL AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA, DEPARTMENT OF HOME AND EXCISE,
 THR. SECRETARY, MUMBAI AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.G. Jagtap, Advocate for Petitioners.

Mr. D.V. Chavan, GP a/w Ms. P.T. Joshi, AGP for Respondent Nos.1 to 4-State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 25th SEPTEMBER 2025

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 09.09.2025, passed by respondent No.3 Collector, under Section 142(1) of the Maharashtra Prohibition Act, 1949.
3. Learned GP appears on behalf of caveators, and at the outset, submits that a petition challenging an order under Section 142 of Maharashtra Prohibition Act should lie before the Division Bench and in support of his submission, he relies on the judgment dated 05.05.2025, passed by the Division Bench of this Court in Writ Petition No.616 of 2025, which is followed by another Division Bench of this Court vide judgment dated 03.09.2025, in Writ Petition No.77 of 2024. On the basis of this, learned GP vehemently submits that the instant petition may not be entertained.
4. However, learned Advocate for the petitioner invites attention of this Court to the order dated 22.09.2025, passed by the Division Bench in the instant petition, specifically observing therein

that this petition shall lie before the Single Judge. Accordingly, the arguments are advanced. However, it has to be noted that the order passed by the Division Bench in the instant petition do not refer to the judgments passed by the other Division Benches referred above.

5. In view of the controversy involved and keeping open the issue about maintainability of the petition before the Single Bench, issue notice to the respondents, returnable on 03rd October 2025,.

6. Learned GP waives service of notice on behalf of respondent Nos.1 to 4-State.

7. The petitioner is permitted to serve the other respondents by R.P.A.D., in addition to regular mode of service.

(PRAFULLA S. KHUBALKAR, J.)

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