



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1413 OF 2026

Maharashtra Rajya Madyavikreta
Association, Maharashtra,
Through It's License Holder Member
Shriniwas Vijaykumar Ranjankar
Age 35 years, Occ. Business,
R/o Lahoti Compound Side,
Kasturi Nagar, Latur. Dist Latur. Petitioner.

VERSUS

1. The State Of Maharashtra
Through The District Collector
State Excise Department,
District Latur.
2. Superintendent of State Excise,
Latur, District Latur. Respondents.

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Advocate for Petitioner : Mr. V.S. Undre
AGP for Respondents: Mr. S.D. Ghayal
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : February 05, 2026

JUDGMENT :-

1. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.
2. Present writ petition takes exception to the order dated 2.2.2026 passed by the learned District Collector, Latur in proceeding no.Election-112026/ZPPS/DryDay/Table No.4/247

in exercise of powers conferred under section 135-C of the Representation of the People Act, 1951 (for short Act of 1951) read with the Maharashtra Prohibition Act, 1949 thereby directing closure of establishments/liquor licenses for the period from 6.2.2026 to 9.2.2026 in wake of ensuing elections of Zilla Parishad and Panchayat Samitis within Latur District.

3. Mr. Undre, learned advocate appearing for the petitioner submits that elections for Zilla Parishads and Panchayat Samitis have been declared by the State Election Commission, Maharashtra for 12 Zilla Parishads and 125 Panchayat Samitis. As per the election programme, polling is scheduled on 7.2.2026 and counting of poll is scheduled on 9.2.2026. Section 135-C of the Act of 1951 stipulates that no spirituous, fermented or intoxicating liquors shall be sold or distributed within the polling area during the period of 48 hours ending with hour fixed for conclusion of the poll for any election in that polling area. He would therefore submit that considering language of section 135-C of the Act of 1951 read with Rule 9-A of the Maharashtra Foreign Liquor (Sale on Cash, Register of Sales, Etc.) (Amendment) Rules, 2019 ban on sale of liquor can be imposed only within the polling area. He would urge

that ensuing elections for Zilla Parishads and Panchayat Samitis are beyond the Corporation area. Therefore, ban imposed under the impugned order for sale of liquor in entire Latur District would be unsustainable. In support of his contentions, he placed on record orders passed by District Collector, Solapur, District Collector, Kolhapur and District Collector, Pune, wherein the prohibition for sale of liquor is imposed only in the polling area for Zilla Parishad and Panchayat Samitis and not area within Corporation or Municipal limits. Mr. Undre, would further rely upon the order dated 29.10.2021 passed by the Division Bench of this Court in **Writ Petition No.12201 of 2021 in case of Nanded Zilla Madya Vikreta Sanghatana through its Authorized Signatory/CLIII License holder Vs. State of Maharashtra and others.**

4. The learned AGP supports the impugned order contending that learned District Collector is empowered to prohibit or ban sale of liquor on the polling day or during the period of 48 hours on conclusion of the poll.

5. Having considered submissions advanced, it is apposite to refer the section 135-C of Representation of the People Act, 1951 which reads thus :-

“135-C. Liquor not to be sold, given or distributed on polling day :-

(1) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.”

(2).....

(3).....

6. Careful reading of aforesaid provision shows that ban to sell out or distribution of liquor is contemplated within a polling area during the period of 48 hours ending with hour fixed for conclusion of poll for election in that area. The impugned order clearly stipulated that learned Collector has exercised powers in wake of ensuing elections for Zilla Parishads and Panchayat Samitis thereunder. The election of Latur Zilla Parishad are scheduled to be held between 7.2.2026 to 9.2.2026. The polling area for election of Zilla Parishad and Panchayat Samiti would exclude area within Municipal or Corporation limits. Therefore, there was no occasion to impose

ban for entire Latur District. Apparently, similar interpretation is accepted by other District Collectors as discernible from orders issued by District Collector, Solapur, Pune and Kolhapur. Pertinently, District Collector, Latur had also accepted aforesaid interpretation in order dated 7.1.2026 while imposing ban for sell of liquor in Corporation area in wake of declaration of election for Latur Municipal Corporation. As rightly pointed out by Mr. Undre, learned advocate appearing for petitioner, Division Bench of this Court adopted similar interpretation in case of Nanded Zilla Madya Vikreta Sanghatana Vs. State of Maharashtra and others (supra).

7. In result, Writ Petition **succeeds**. The impugned order dated 2.2.2026 passed by the learned Collector, Latur is **modified**. Restrictions imposed under the impugned order shall be **limited** only for polling area for Zilla Parishads and Panchayat Samitis **within the Latur District**.

8. Rule is made absolute in above terms. Writ Petition stands **disposed of**.

(S. G. CHAPALGAONKAR)
Judge.

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