



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 WRIT PETITION NO.2090 OF 2026

Babasaheb Rajebhau Gathe

VERSUS

The State Of Maharashtra Through Its Principal Secretary And Others

...

Mr. Santosh S. Jadhavar, Advocate for the Petitioner. (Through V. C.)

Mr. A. M. Phule, AGP for Respondents/State.

...

**CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.**

DATE : 23 MARCH 2026

ORDER :

. Heard learned Advocate Mr. Santosh Jadhavar for the petitioner as well as learned AGP for the respondents/State.

2. Present petition has been filed for various directions i.e. to de-seal the Kalakendra run by the present petitioner, compliance of the judgment and order passed by respondent No.2 and issuance of disciplinary action against respondent No.3.

3. Learned Advocate for the petitioner submits that the petitioner runs Kalakendra by name Pinjara Sanskrutik Loknatya Kalakendra. It

had due license issued by respondent No.3, however, in view of the registration of offence punishable under Section 223 of Bharatiya Nyaya Sanhita, 2023 on 28.09.2025 with Dharashiv Rural Police Station, District Dharashiv, the licence came to be cancelled vide order dated 09.10.2025. Thereafter, the petitioner filed an appeal before respondent No.2, which came to be partly allowed. The order passed by respondent No.3 was set aside, however, respondent No.3 was directed to conduct an inquiry and thereafter take appropriate action, in accordance with the rules, regarding whether to grant the licence. According to the petitioner and learned Advocate petitioner, when the impugned order of respondent No.3 was set aside, respondent No.3 ought to have de-sealed the Kalakendra and the petitioner ought to have been permitted to carry the business. Time and again, the representations have been made to respondent No.3, however, no action has been taken.

4. Learned AGP, upon instructions, submits that in view of the order passed by respondent No.2, respondent No.3 had taken up the action of making inquiry and Tahsildar was asked to make the inquiry. The inquiry has been conducted and tomorrow, Tahsildar is going to give the report to respondent No.3 and respondent No.3 will take the decision within a period of 15 days thereafter.

5. We do not want to go much into these aspects in view of the statement made. When the report would be submitted tomorrow by Tahsildar and respondent No.3 has undertaken to take the decision within a period of 15 days, which appears to be a reasonable period, we dispose of the writ petition by directing respondent No.3 to decide the issue as per the order passed by respondent No.2 and after taking into consideration the report that would be submitted tomorrow, within a period of 15 days from tomorrow.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm