

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 12219 OF 2025**

Shankar Satlingappa Mhetre
Aged: 55 years, Occ: Agriculturist
R/at Dudhani, Taluka Akkalkot
District Solapur

...Petitioner

Versus

1. Principal Secretary
(Appeal and Security)
Government of Maharashtra
Home Department, Mantralaya,
Mumbai

2. The Collector, Solapur

3. The Government of Maharashtra,
(AGP High Court Appellate Side
Bombay)

...Respondents

CORAM : NITIN B. SURYAWANSHI, J.

CLOSED FOR ORDERS: 04/02/2026

PRONOUNCED ON: 16/02/2026

JUDGMENT:

1. By this petition under Article 226 and 227 of the Constitution of India, the petitioner seeks following relief:

“a. By appropriate writ, order or direction, this Hon'ble Court be pleased to quash and set aside the Judgment and Order dated 03.07.2025 passed by the Ld. Divisional Commissioner, Pune Division, Pune in Appeal bearing no. S.R./01/2025 and the order dated

24.08.2022 passed by the Ld. Collector/District Magistrate from Solapur in the proceeding bearing no. RR/124/2022 and be pleased to direct the Tahsildar / Taluka Executive Magistrate, Akkalkot to renew the license bearing no. JBB/KV/SR/1/2004 dated 17.11.2004”.

2. The petitioner was granted licence of touring cinema theatre namely Balaji Chitramandir, (for short ‘the said theatre’) situated at Dudhani, Taluka Akkalkot, District Solapur by Tahsildar on 7.11.2004. After obtaining necessary permissions/licences, the petitioner constructed the building to run the said Theatre. The licence of the petitioner was renewed upto the year 2019. The petitioner thereafter applied in the year 2020 for renewal of licence by paying the challan. However, the licence was not renewed.

3. A report dated 22.02.2022 was submitted by the police inspector, Akkalkot Police Station to Respondent No. 2-Collector thereby requesting to cancel the licence given to the petitioner to run the said theatre stating that there are two big rooms adjoining the premises of the theatre and they are used for the purpose of gambling activities. Three offences have been registered with Akkalkot Police Station in respect of the said theatre which are (i) CR No. 62/2015 registered with Akkalkot South Police Station for offence punishable under Sections 307, 353, 332, 324, 504, 506 of the Indian Penal

Code; (ii) CR No. 558/2021 registered with Akkalkot South Police Station for offence punishable under Section 3 of The Police Act and (iii) CR No. 706/2021 registered with Akkalkot South Police Station for offence punishable under Section 4 and 5 of The Maharashtra Prevention of Gambling Act, 1887.

4. Even thereafter, gambling activities were continued at said theatre. The people indulging in gambling at the said place are sent in Fruti Orchestra and cinema theatre by giving tickets, as soon as they learn about arrival of police. On 9.5.2015, Tahsildar, Akkalkot namely Gurlingappa Tamarayya Birajdar had gone to take action at Fruti Orchestra, he was assaulted and therefore, he lodged the F.I.R. Therefore, a request is made to cancel the licence of the said theatre, Fruti Orchestra and Shambhavi lodging.

5. On receipt of the said report, Respondent No. 2 issued notice dated 14.07.2022 to the petitioner. The petitioner submitted his reply to the show cause notice stating that, he has renewed the licence of the theatre upto 17.12.2018 and from 2019 onwards due to Covid pandemic, the theatre was closed till the orders of the Government were received. Since he is busy in social causes and politics, he has given the said theatre on lease to local residents i.e. Chand Ibrahim Pathan and Yasin Ramjan Gaudgaon on 5 years lease upto 22.10.2026. In the lease deed, it is mentioned that if any offence

or illegal act is committed during this period, they will be responsible for the same. Petitioner is President of Congress Party since last 12 years and due to political reasons, the offences are registered against the said theatre and the petitioner.

6. After receipt of the said reply, Respondent No. 2 passed the impugned order dated 24.8.2022 thereby permanently cancelling the licence issued to the said theatre. The petitioner unsuccessfully challenged the said order before the Divisional Commissioner, Pune.

7. Heard learned advocate for the petitioner, learned AGP for the State. Perused the record.

It is evident from the record, that the petitioner was granted licence to run new talkies under Rule 101 of Maharashtra Cinemas (Regulation) Rules, 1966 ('said Rules') and under Rule 108, a licence was given to sell the tickets. The said licence was renewed by the petitioner upto 31.12.2018, thereafter, there is no renewal.

8. Condition No. 27 in the said licence issued to the petitioner in Form (E) reads as under:

"27. The licensee shall comply with any directions and instructions (including any direction for temporarily closing the cinema premises) which the licensing authority may, from time to time, issue for preventing

any obstruction, inconvenience, annoyance, risk, danger or damage to the audience in the cinema premises or the residents or passers-by in the vicinity of the cinema premises or for the maintenance of public safety and the prevention of disturbance therein”.

9. It is clear from the licence issued to the petitioner in Form ‘E’ that licence is issued subject to the conditions mentioned in the said form and if any of the condition is violated, the licence is liable to be suspended and/or cancelled.

10. As per report at Exhibit ‘C’ submitted by the police inspector, Akkalkot South Police Station, it is clear that the petitioner has constructed the theatre, and on the 1st floor, two big rooms are constructed and those are used for running a gambling den. Three times raid were conducted on the said theatre. Whenever it is learnt that police are arriving for conducting raid, the persons gambling are given tickets and either sent to theatre or at Fruti Orchestra. Therefore, there is obstruction in taking effective action against them. When Tahsildar, Gurlingappa Birajdar went to raid Fruti Orchestra on 9.5.2015, there was life threatening attack on him. He, therefore, has lodged C.R. No. 62/2015 with Akkalkot South Police Station for

offence punishable under Sections 307, 353, 332, 324, 504, 506 of the Indian Penal Code. Two offences i.e. CR No. 558/2021 for offence punishable under Section 3 of The Police Act and CR No. 706/2021 for offence punishable under Section 4 and 5 of The Maharashtra Prevention of Gambling Act, 1887 are registered, wherein during the raid at the said theatre, huge amount of Rs. 8,42,750/- and 5,21,560/- is seized. It is therefore, clear that the said theatre is being used to conduct illegal activities.

11. Condition No. 29 of Rule 101 of the said Rules reads as under:

“29. This licence is not transferable but is personal for the benefit of the licensee mentioned above and in case the licensee transfers the same to any person the licence is liable to be suspended or cancelled”.

12. The said Rule clearly mentions that licence of the talkies is not transferable, however, the petitioner by way of lease deed, transferred it to Chand Ibrahim Pathan and Yasin Ramjan Gaudgaon by executing a notarized deed. Therefore, there is violation of condition no. 29 and on this ground alone, the licence is liable to be cancelled.

13. Section 8 of The Maharashtra Cinemas (Regulation) Act 1953 reads as under:

“8. Power to revoke or suspend licence.— In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act or of any of the conditions or restrictions imposed by an order of exemption made under section 10] or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952 (Bom. XXXVII of 1952), [or on receipt of recommendation from the Collector under section 9D of the Bombay Entertainments Duty Act, 1923 (I of 1923),] [the licensing authority may by order revoke the licence or suspend it for such period as it may think fit] [but such order shall not take effect until the period of appeal prescribed against such order has expired :] [Provided that, no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.]”

14. Since the petitioner has breached the conditions of the licence, the authorities are justified in permanently cancelling the licence of the petitioner. Respondent No. 2 has passed a well reasoned order while cancelling the licence of the petitioner. The Appellate Authority has confirmed the said order by assigning cogent reasons.

15. For the aforestated reasons, no case is made out by the petitioner to exercise extraordinary writ jurisdiction for upsetting the impugned order.

16. Writ Petition being devoid of merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)

IRESH MASHAL

Digitally signed by
IRESH MASHAL
Date: 2026.02.16
18:09:39 +0530