IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10632 OF 2026

Jitendra Nandlal Vaity ...Petitioner

Versus

The Commissioner Of Police And Ors ...Respondents

WITH

WRIT PETITION NO. 10633 OF 2026

Ganesh Mahabal Vaity ...Petitioner

Versus

The Commissioner Of Police And Ors ...Respondents

WITH

WRIT PETITION NO. 10634 OF 2026

Ravish Gangadhar Shetty ...Petitioner

Versus

The Commissioner Of Police And Ors ...Respondents

SANTOSH SUBHASH KULKARNI

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Date: 2026.08.19 17:57:45 +0530

Mr. Vijay Patil, Senior Advocate, a/w Vivek Rane, i/b Kuldeep Jain, for the Petitioner in all WP.

Mr. Yatin Kochare, 'B' Panel Counsel for the State – Respondent Nos.1 to 3.

CORAM: N. J. JAMADAR, J.

DATED: 18th AUGUST, 2026

Oral Order:-

1. Heard the learned Counsel for the parties.

2. The challenge in these Petitions is to an order dated 12th August, 2026 passed by the Respondent No.2, whereby in exercise of the powers under Rules 238 and 239 of the Rules for

Licencing and Controlling places of Public Amusement (other than Cinemas) and Performances (including Melas and Tamashas), 1999 ("the Public Amusement Rules, 1999"), the Respondent No.2 has suspended the licence of the Petitioner to operate the orchestra for a period of 30 days from 15th August, 2026.

3. The learned Counsel for the Petitioners submits that the Petitioners have already filed statutory appeals against the said order alongwith an applications for stay to the impugned orders. However, the said appeals are not taken up for hearing by Respondent No.3.

4. The learned AGP for Respondent Nos.1 to 3-State submits that the Respondent No.3 will decide the appeals expeditiously and as the statutory remedy of appeal has already been invoked, this Court may not entertain the Petitions at this stage.

5. Since the impugned order is passed on 12th August, 2026 and the performance licence to operate the orchestra has been suspended for a period of 30 days from 15th August, 2026, if the appeal is not expeditiously heard, the statutory remedy of appeal would be rendered nugatory. In a case of the present nature, when the statute provides for an appellate remedy and the period of suspension is short one, there is a clear and

present risk of the appellate remedy being rendered infructuous by the sheer passage of time if the appeal is not expeditiously heard.

6. In the aforesaid view of the matter, this Court is inclined to direct the Appellate Authority to hear and decide the appeals expeditiously and, if it is not possible to hear the appeals finally, hear the applications for stay to the orders passed by the Competent Authority within a period of four weeks, and, in the meanwhile, grant limited interim relief.

7. The Writ Petitions, thus, stand disposed with the following directions :

(i) The Appellate Authority – Respondent No.3 is directed to hear and decide the appeals preferred by the Petitioners, as expeditiously as possible, and if it is not possible to hear the appeals finally, hear the applications for stay to the execution and operation of the impugned orders passed by the Competent Authority within a period of four weeks from 24th August, 2026.

(ii) The Petitioners shall appear before the Appellate Authority on 24th August, 2026.

(iii) In the meanwhile, the execution and operation of the impugned orders shall remain stayed for a period of six weeks.

[N. J. JAMADAR, J.]