



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3468 OF 2026**

Atul Vijay Madan	...	Petitioner
versus		
The Collector of Nashik and Ors.	...	Respondents

Mr. Rajendra V. Pai, Sr. Advocate with Ms. Veena Thadani, Mr. Aloukik Pai, Ms. Siddhi Bhosale, Ms. Rutuja Gaikwad, for Petitioner.
Mr. Yatin S. Kochare, B Panel Counsel for State.
Mr. Vikram S. Undre (through VC) for Respondent No.4.

CORAM: N.J.JAMADAR, J.

DATE : 18 MARCH 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 2 March 2026 passed by the Collector, Nashik, whereby the permission granted by the Collector on 16 February 2024 to admit a partner to run the licence No.FL II & CL/FL/TOD III No.47 at Shop No.2, Plot No.288, Sagar Complex, Adgaon Naka, Panchwati, Nashik, and the permission granted to the Petitioner to deposit privilege fee on 23 February 2024, came to be stayed till the next date.
3. In January 2024, the Petitioner and Respondent No.4, the licence holders, entered into a Partnership. By an order dated 16 February 2024, the Collector granted permission to admit the Petitioner as a partner to run the licenced establishment. Respondent No.4, thereafter, filed a complaint with the Collector with the allegation that, what was agreed between the parties

was to execute a Conducting Agreement only and the Petitioner fraudulently obtained the Deed of Partnership and got himself inducted as its partner in the licenced establishment.

4. Based on the said complaint, the District Collector caused an inquiry to be conducted. On the basis of the report of the Inquiry Officer and after hearing the parties, the Collector, by the impugned order, stayed the order dated 16 February 2024 admitting the Petitioner as a partner in the licenced establishment and the order dated 23 February 2024 permitting the Petitioner to deposit the privilege fee.

5. Mr. Pai, learned Senior Advocate for the Petitioner, submitted that, under the provisions of Section 54(1) of the Maharashtra Prohibition Act, 1949, the Collector has power to cancel or suspend the licence. The collector has no authority to determine the partnership dispute. A severe criticism was advanced against clause (2) of the impugned order, whereby he Collector has directed that the position of the licenced establishment stood restored to status quo ante. It was submitted that, the Petitioner had paid the privilege fee of Rs.1,02,28,500/- and invested a huge amount for running the licenced establishment. Thus, till the complaint is decided by the Collector, the execution and operation of the impugned order be stayed.

6. In opposition to this, Mr. Kochare, learned AGP, invited attention of the Court to the roznama of the proceedings before the Collector, which indicate

that an effective opportunity of hearing was given to the Petitioner and the Petitioner had sought adjournments. Taking the Court through the impugned order, Mr. Kochare would submit that the impugned order has been passed on the basis of objective material and, therefore, at this stage, when the complaint is yet to be decided and the matter is posted before the Collector, Nashik, on 23 March 2026, this Court may not interfere with the impugned order, especially when there is an effective alternate remedy of statutory appeal against the impugned order.

7. I have perused the material on record. Having considered the submissions canvassed across the bar, it appears that the District Collector has invoked the power under Section 54(1)(e) of the Maharashtra Prohibition Act, 1959, on the premise that, there is, prima facie, material to lend support to the claim of Respondent No.4 that the partnership agreement was obtained by allegedly playing fraud on Respondent No.4.

8. Since the challenge in this petition is to an interim order and the complaint is subjudice before the District Collector and the matter is posted on 23 March 2026, this Court may not delve deep into the submissions canvassed across the bar. Yet, prima facie, it appears that the arrangement between the Petitioner and Respondent No.4 was in operation for over one and half years. The Petitioner has paid a substantial privilege fee of Rs.1,02,28,500/-. The Petitioner had a major share in the profits of the

purported partnership. In these circumstances, though the Collector may be justified in ordering stay to the order permitting the Petitioner to be inducted as a partner in the licenced establishment, by invoking the powers under Section 54(1)(e) of the Act, 1949, the Collector could not have directed that the position be restored status quo ante. That would amount to granting a final relief in the complaint at an interim stage.

9. Therefore, till the final decision of the complaint, there shall be stay to the operation of the establishment under licence FL II & CL/FL/TOD III No.47.

10. Subject to the aforesaid stay to the operation of the licenced establishment, the Writ Petition stands disposed with a direction to the Collector, Nashik, to hear and decide the complaint No.FLR 112023/9401/677, after providing an effective opportunity of hearing to the parties, as expeditiously as possible, and preferably within a period of two weeks from 23 March 2026.

11. Mr. Pai submitted that the Petitioner will appear before the Collector on 23 March 2026.

12. Learned Counsel for Respondent No.4 also informed the Court that the Respondent No.4 will also appear before the Collector on 23 March 2026.

13. The statements are recorded.

(N.J.JAMADAR, J.)