



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6533 OF 2024

New Kadam Bar and Restaurant through
its Patner, Anand S/o. Ravindra Palandurkar
Age 47 years, Occ. Business, R/o. Plot No.
30, Deotale Layout, Near Verma Layout,
Opp. Hanuman Mandir Ground,
Nagpur-440032.

... **PETITIONER**

// VERSUS //

1. State of Maharashtra through its
Secretary, State Excise Department,
Mantralaya, Mumbai-400032.
2. Hon'ble Minister, State Excise Department
Mantralaya, Mumbai-400032.
3. Commissioner, State Excise Department
Mantralaya, Mumbai-40003.
4. The Collector,
Civil Lines, Nagpur-440001.
5. Superintendent of State Excise,
Cotton Market Square, Nagpur.
6. Sangharsha Nagrik Mancha,
Bearing Regn No. Mah/625/2014
through its Vice President Bhojraj Bondre
Plot No. 17, Bhawani Nagar,
Bhandara Road, Pardi, Nagpur.

... **RESPONDENTS**

Shri Himanshu A. Khedikar, Advocate for petitioner.
Mrs. M. R. Kavimanda, AGP for respondent nos. 1 to 5/State.
Shri T. D. Mandlekar, Advocate for respondent no. 6.

CORAM :- M. W. CHANDWANI, J.

RESERVED ON :- 10.02.2026

PRONOUNCED ON :- 17.03.2026

JUDGMENT :-

Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsels for the parties.

3. The petitioner challenges the order dated 09.10.2024 passed by respondent no. 2- Hon'ble Minister, State Excise Department, Maharashtra and consequent communication dated 18.10.2024 issued by respondent no. 5- Superintendent of State Excise, Nagpur.

4. On 12.09.2018, the petitioner applied for a new FL-III license before respondent no. 5. Initially, the District Committee, relying on the report of the Police Department, rejected the application of the petitioner for grant of license. Therefore, the petitioner preferred an Appeal before respondent no. 3- Commissioner under Section 137(2) of the Maharashtra Prohibition Act, 1949 which came to be allowed on 16.09.2020. Accordingly, the District Level Committee granted FL-III license bearing no. 1044/2021-22 to the

petitioner on 29.01.2021. Since then, he was running the shop smoothly. After a gap of four years, respondent no. 6- Sangharsha Nagrik Mancha filed a Revision before respondent no. 2- which came to be allowed by the impugned order dated 09.10.2024 whereby, the order passed by respondent no. 3- Commissioner allowing the Appeal came to be set aside. Accordingly, a communication dated 18.10.2024 came to be issued by respondent no. 5- for cancelling the FL-III license of the petitioner. The order passed by respondent no. 2 as well as the communication issued by respondent no. 5 are under challenge in this petition.

5. Heard the learned counsel for the petitioner as well as the learned AGP for respondents/State as well as the learned counsel appearing for respondent no.6. Perused the impugned orders.

6. It appears that the Revision came to be allowed mainly on the ground that the shop of the petitioner is located at a square and there is no arrangement for parking the vehicles as a result of which, there might be a possibility of accidents. Another reason for cancellation of the license is that the Sangharsha Nagrik Manch has taken an objection to the said shop.

7. It is to be noted here that the petitioner is running the said liquor shop since 2021. There is nothing on record to suggest that from the year 2021 till passing of the impugned order, multiple accidents have occurred on the spot where the shop is located, due to the parking issue. The petitioner on affidavit has stated that in the nearby area, liquor license has been granted by the respondents to a shop named Chopde Bar and Restaurant which is located merely at a distance of 60 meters from the shop of the petitioner. The report of the Inspector of State Excise Department, Katol dated 16.07.2019 also mentions that two Bars and one liquor shop is located within 100 feet radius of the shop of the petitioner.

8. So far as, the submission of the learned counsel for respondent no. 6 that the construction of the building in which the petitioner's shop is situated is illegal is concerned, the map of the building placed on record shows that the building is duly sanctioned. Surprisingly, after a gap of four years, without there being any application for condonation of delay, respondent no. 2 has taken cognizance of the Revision filed by respondent no. 6 and allowed the Revision on the ground that there is no parking arrangement in the said area, which may lead to accidents. The said ground on which the Revision came to be allowed does not stand to the reason and

therefore, the order passed by respondent no. 2 needs to be set aside.

9. Learned counsel for the petitioner submits that respondent no. 6 is an Association of persons of that area who do not want a liquor shop in their area. Strangely, there are other liquor shops in the same vicinity but the objection has only been taken against granting license to the petitioner. Therefore, the possibility of taking objection with an intention to blackmail the petitioner cannot be ruled out. This trend is increasing now a days and therefore, it is necessary to curb the same.

10. Be that as it may, the fact remains that the impugned order dated 09.10.2024 has been passed without taking into consideration the facts of the case. The circumstances are not so grave that they require interference of respondent no. 2 and call for cancellation of license which has already been granted in favour of the petitioner. There is nothing on record to suggest that as a result of the license being granted to the petitioner, a serious situation affecting law and order has emerged in the vicinity where the shop is situated.

11. In view of the above, the order dated 09.10.2024 passed by respondent no. 2 is hereby quashed and set aside. Consequently,

the communication dated 18.10.2024 issued by respondent no. 5 is also quashed and set aside.

12. The Writ Petition is allowed accordingly and Rule is made absolute in the above-said terms.

(M. W. CHANDWANI, J.)

RR Jaiswal