

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4226 OF 2010

Narsing Tekchand Agrawal

..Petitioner

Vs.

State of Maharashtra and ors.

..Respondents

.....

Mr.Rajiv Deokar i/b.Mr.D.B.Savant, for petitioner.

Mr.R.M.Patne, APP for respondent State.

.....

**CORAM: R.G.KETKAR, J.
(VACATION COURT)**

DATE : 31st MAY, 2010.

P.C. :

This petition challenges the order dated 12th April, 2010 passed by Deputy Divisional Magistrate, Dahanu Division, Dahanu, whereby in exercise of the powers conferred by Section 162 (2) of the Bombay Police Act, 1951, the petitioner's licence for running lodging house namely 'Agrawal Guest House' is cancelled. It is not in dispute that against the said order the petitioner has preferred an appeal on 7th May, 2010 under Section 33 of the Bombay Police Act before the Home Minister. It is also not in dispute that the said appeal is still pending.

2] Mr.Deokar, learned counsel for petitioner relies upon the various orders passed by this Court which are at exhibit "F" collectively. On the other hand, Mr.Patne, learned AGP for respondents State, submits that within four weeks from today the Home Minister, Maharashtra State, Mantralaya, Mumbai, shall

hear and decide the appeal preferred by the petitioner. He further submits that the petitioner's licence for running lodging house for the year 2010 is not renewed. Learned counsel for the petitioner submits that the petitioner has already applied for renewal of licence on 17th December, 2010, however, no decision on the said application has been taken.

3] Considering the fact that the petitioner's licence for the year 2010 is not renewed as of today, in my opinion, the following order would meet the ends of justice:-

ORDER

(a) The appeal preferred by the petitioner on 7th May, 2010 challenging the decision dated 12th April, 2010 passed by the Sub-Divisional Magistrate shall be decided within four weeks from today.

4] Learned APP assures that within the stipulated period the appeal preferred by the petitioner will be decided and no further extension will be sought. In view of the assurance, Writ Petition is disposed of with no order as to the costs.

[R.G. KETKAR, J.]