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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.11329 OF 2011**

Kinara Bar & Restaurant	..	Petitioner
V/s.		
State of Maharashtra		
& Another	..	Respondents.

**WITH**  
**WRIT PETITION NO.11328 OF 2011**

M/s. Hotel P. K. Bar		
& Restaurant	..	Petitioner
V/s.		
State of Maharashtra		
& Others.	..	Respondents.

Mr. R. D. Soni along with Mr. Gawde i/b. M/s. Ram & Co., for the  
Petitioner in both the matters.  
Mr. V. S. Gokhale, AGP for Respondent Nos.1 to 3 in both the matters.

**CORAM: M.L.TAHALIYANI &  
G.S.GODBOLE,J.J.  
(Vacation Court)**

**DATE : 30<sup>th</sup> DECEMBER, 2011.**

**P.C:-**

- 1 Heard the learned Advocates for the parties.
- 2 The substantives prayers in these Petitions are identical to the  
prayer made in Writ Petition (L) No.2920 of 2011 filed by the Indian

Hotel & Restaurant Association. Mr. Soni, however, submits that the Petitioners in these Writ Petitions were not members of the said Association.

3           The Petitioners may or may not be members. However, we have already taken a view that the High Court cannot usurp the statutory power of the State Government and it is for the State Government to decide whether to exercise the said power in a given case or not.

4           Hence, no interference is called for. Writ Petitions are dismissed.

**(G.S.GODBOLE,J.)**

**(M.L.TAHALIYANI,J.)**