

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1017 OF 2009

Santosh s/o Shesherao Shinde

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Mr P. S. Dighe, Advocate a/w Ms Sangita Jadhav, Advocate for the petitioner
Mr S. R. Palnitkar, AGP for respondent/State
Mr Amol Gandhi, Advocate for respondent No. 7

**CORAM : A.V. NIRGUDE &
V. K. JADHAV, JJ.
DATED : MARCH 10TH, 2015**

PER COURT :-

1. This petition challenged order dated 14th July, 2008 passed by the Hon'ble State Minister, Food and Civil Supplies and Consumer Protection, Maharashtra, renewing kerosene license of respondent No. 7. The petitioner is already having such licence in the same area and because of the impugned order, his supply would be adversely affected. Therefore, he filed this petition at interim stage. Following order was passed by this Court on 25th August, 2011.

“1. *Heard.*

2. *The learned counsel for the petitioner submits that a license cancelled in the year 1985 has been renewed by the Honourable Minister in*

the year 2005, which action is highly unreasonable, unjust and against the policy of the State. The learned counsel has referred the proceedings of Writ Petition No. 4671 of 2008.

3. *Learned Senior Counsel Mr. P. V. Mandlik for respondent No. 7 submits that Government has renewed the license which was cancelled in the year 1985. The learned Senior Counsel raises issue of locus standi of the petitioner who himself is facing adverse order passed by the District Supply Officer on 15.11.2010. It is submitted that reduction of quota of the petitioner is not relevant for the purpose of consideration of the present petition as the same issue needs to be addressed in an appropriate proceedings initiated by the petitioner.*

4. *Learned A.G.P. Mr. K. G. Patil supports the order passed by the Minister and submits that after considering entire record, the Honourable Minister passed the order which could not be termed to be perverse.*

5. *We have perused the material placed on record and the proceedings of Writ Petition No. 4671 of 2008. In the facts of the case, we find that subject license was issued in favour of respondent No. 7, which was cancelled in the year 1985. There is some dispute on the issue as to whether the license was cancelled or got expired. It is submitted that the respondent No. 7 and 8 have entered into a partnership firm and thereafter fresh application for renewal of license was made to the State Government and accordingly, Honourable Minister renewed the license by putting certain conditions in the impugned order dated 14th July 2008. In the facts of the case, we are prima facie not convinced that Honourable Minister was justified in renewing the license in the year 2005.*

6. *Rule. Interim relief in terms of prayer clause "F".*

7. *We observe that this Court has not expressed any opinion on*

the functioning of the petitioner as a license holder or in respect of reduction or otherwise of the petitioner's quota of kerosene. Writ Petition No. 4671 of 2008 be heard along with this petition. A.G.P. is directed to send copy of this order to the Principal Secretary of the concerned Ministry.”

2. The same remained undisturbed even after filing of Letters Patent Appeal. With the result, respondent No. 7 could not get his license renewed and could not start his business of kerosene. More than 6 years have elapsed since then. After hearing submissions at bar, we are not inclined to take any other view than what is expressed above. The petition is allowed in terms of order passed by this Court on 25th August, 2011, which is quoted above.

[V.K. JADHAV, J.]

[A.V. NIRGUDE,J.]