

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

WRIT PETITION NO. 11153 OF 2015

Santosh Shankarrao Gundale,
Age: Major, Occ: Business & Social Service,
R/o. Barbada, Tq. Naigaon,
Dist. Nanded. ...Petitioner

versus

The State of Maharashtra,
through its Secretary,
Food Grain, Civil Supply &
Consumer Protection Department,
Mantralaya, Mumbai-32 & ors. ...Respondents

.....
Mr. A.N. Nagargoje, Advocate for petitioner
Mr. R.V. Dasalkar, A.G.P. for respondents/State
.....

CORAM : N.W. SAMBRE, J.

DATE : 23rd NOVEMBER, 2015

ORAL ORDER :

The petitioner, a public spirited person, claims to be aggrieved by the order dated 28/08/2009 passed under the provisions of rules framed under Essential Commodities Act, has preferred present petition.

2. It is not in dispute that the petitioner has preferred public interest litigation bearing P.I.L. No. 59 of 2015, which came to be disposed of by observing that there is no public interest involved in

the matter, however, the P.I.L. smells of personal interest of the petitioner. According to the petitioner, the petition is liable to be entertained.

3. Learned A.G.P., while raising preliminary objection as regards tenability of the petition before this Court on two counts; (a) locus of the petitioner and (b) delayed cause brought before this Court.

4. In the background of above referred submissions of learned A.G.P., it is noticed that the petitioner is no way concerned with the proceedings in question. He is neither beneficiary under the alleged fair price shop licence or a person aggrieved by the order. Apart from above, order passed by the State Government on 28/08/2009 is sought to be questioned in the petition after period of six years, for which there is hardly any explanation in the petition.

5. In my opinion, no interference is warranted in the above referred background, in extraordinary writ jurisdiction. The writ petition fails, same stands dismissed.

[N.W. SAMBRE, J.]