

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

WRIT PETITION NO. 3561 OF 2014

**Jay Santoshi Mahila Bachat Ghat
Through its Chairman**

Kalpana V Bansal

: Petitioner.

Versus

The State of Maharashtra and ors.

: Respondents.

Mr. Sharad Suryavanshi i/by Pol Legal Juris for the Petitioner.

Mr. S D Rayrikar, AGP, for the Respondent Nos.1 to 3.

CORAM : R. M. SAVANT, J.

DATE : 07th August 2015

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 28/02/2013 passed by the Revisionary Authority i.e. the Hon'ble Minister for Food and Civil Supplies, Government of Maharashtra by which order the Revision Application filed by the Respondent No.4 came to be allowed and the directions as contained in the operative part of the impugned order came to be issued. The directions are to the effect that the additional units from the adjoining fair price shops being 42-G 72 and 210 be joined to the fair price shop of the Revision Applicant and the Revision Applicant be allowed to start the shop at New Babrekar Nagar, Malwani. The Deputy Controller has also been directed to consider as to whether the units allotted are more than that permissible. It is further directed that if the advertisement is issued for the additional units of Shops 42-G 72 and 210, then by excluding

3000 units for the shop advertised the additional units be transferred to the shop of the Revision Applicant. Further direction has been issued that the name of one Shri Sushilkumar Girdharilal Jaiswal be included in the licence and the Deputy Controller is directed to enquire as to whether any criminal case etc is pending against the said person.

2 The Petitioner has challenged the said order dated 28/02/2013 on the ground that the Petitioner was an Applicant for the shop which was advertised for the additional units pursuant to which advertisement, name of Madina Mahila Bachat Gat was selected and the Petitioner herein was number two in the list. The said order passed by the Controller of Rationing is dated 8/11/2012 allotting the shop to the said Madina Mahila Bachat Gat. It seems that the Petitioner has filed Revision Application against the said order dated 8/11/2012 which is pending. However, in so far as the order dated 28/0/2013 is concerned, the said order, as indicated above, directs joining of the additional units to the shop of the Revision Applicant. The learned AGP states that the said order has already been implemented. In so far as the shop advertised is concerned, by the impugned order dated 28/02/2013 additional units excluding the 3000 units for advertised shop were only to be transferred to the shop of the Revision Applicant i.e. the Respondent No.4 herein. Since the order dated 28/02/2013 passed by the Respondent No.2 has already been implemented, and also considering the fact that the Petitioner was number two

in the list and was not the allottee pursuant to the advertisement issued for the said additional units, in my view, the exercise of the writ jurisdiction is not warranted. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]