

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 12200 OF 2015**

Shah Bhamji Umarshi

..Petitioner

Vs.

The Dy. Controller of Rationing & Anr.

..Respondents

Mr. P. A. Pol i/b Pol Legal Juris for the Petitioner

Mrs. Gauri Rao AGP for the Respondent Nos.1 and 2

CORAM : R. M. SAVANT, J.

DATE : 7th MAY, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 10-2-2015 passed by the Hon'ble Minister of Food and Civil Supplies Department, Government of Maharashtra, by which order, the Revision Application filed by the Petitioner came to be dismissed. The ration shop in question being No.13-A-37 was granted to the Bradbury Mills Ltd., so that their employees could have the facility of being serviced in the matter of supply of food grain in the mill itself. It appears that the mill in question has closed down, however, the Petitioner after the last renewal applied for the renewal of licence which was rejected by the Controlling Authority by suspending the licence vide order dated 10-12-2014 and thereafter cancelling the licence vide order dated 18-4-2015 on the ground that the Petitioner does not have any right to get the licence renewed as the ration shop was allotted to the said Bradbury Mills Ltd. which is now not functioning and which has informed that it is not interested in running the said ration shop.

2 The said order was carried in Revision by the Petitioner before the State Government. The Revision Application was heard by the Hon'ble Minister for Food and Civil Supplies Department who reiterated the ground mentioned in the order passed by the Controlling Officer and rejected the Revision Application. The rejection is on the ground that the Petitioner is not entitled to get the licence renewed as the Petitioner was conducting the shop on behalf of the said Bradbury Mills Ltd. A perusal of the licence form also indicates the name of the Petitioner as conducting the shop on retail basis and the name of Bradbury Mills Ltd. appears in the column wherein it is shown that the ration shop is known as Bradbury Mills Ltd meaning thereby it is the Bradbury Mills Ltd which was allotted the said ration shop.

3 The Learned Counsel for the Petitioner sought to place reliance on the judgment of the Apex Court in the matter of **Murarilal Jhunjhunwala Vs. State of Maharashtra & Ors.**¹ In the said case, the licensee went on applying for renewal of the licence every year by making an application and depositing the renewal fees which were accepted by the authorities, but the licence sought for was not granted. The licensee was thereafter prosecuted for carry on business without licence, which action the Apex Court found fault with on the ground that the licensee i.e. the Appellant had done all that was required to do but there was total silence on the part of the licencing authority. In the instant

1 AIR 1991 SC 515

case the allotment of the ration shop was in favour of the Bradbury Mills Ltd. and therefore the Petitioner could not claim any right to renewal of the licence once the said Mill informed the licencing authority that it is not interested in the said ration shop. Hence the facts in the said case and the facts in the present case are clearly distinguishable and hence the said Judgment has no application. No case for interference in the writ jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]