

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

WRIT PETITION NO. 7956 OF 2015

Khalil Rashid Deshmukh and another ...PETITIONERS

versus

The State of Maharashtra and others ...RESPONDENTS

.....
Mr. Vinod B. Patil, Advocate for petitioners
Mr. S.M. Ganachari, AGP for respondents
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 28th JULY, 2016.

Order :-

1. Mr. Patil, learned counsel for petitioners submits that there are three fair price shops run by the petitioners. Out of them, one shop is closed down. Respondent No. 1 had issued fresh proclamation on 30-01-2013 for grant of new fair price shop. According to learned counsel for petitioners, the same would give rise to unhealthy competition and would not be in the interest of their fair price shops. Number of the card holders with petitioners would be decreased. The shop number of the petitioners is also stated in said proclamation. According to learned counsel, petitioners would be affected. All these aspects are not considered by respondents- authorities.

2. We have heard learned Assistant Government Pleader also.

3. Proclamation is of the year 2013. Shops as stated in the proclamation must have been already allotted to some other persons. Said persons are not before this court. In absence of them, challenge now cannot be considered. Even petitioners have filed petition after one and half years of said proclamation.

4. In light of that, challenge raised to the proclamation cannot be considered. In case, because of proclamation, shops of the petitioners are affected, if they are directed to close down the shop, the petitioners would be at liberty to assail the same as may be permissible in law.

5. Writ petition, as such, stands disposed of. No cost.

Sd/-

[K. K. SONAWANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

MTK