

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5843 OF 2015

Anusabai Ashok Buddhewad and others .. **Petitioners**

Versus

The State of Maharashtra,
Through its Secretary,
Food, Civil Supply and Consumer
Protection Department,
Mantralaya, Mumbai-32 and others .. **Respondents**

Shri Santosh C. Bhosle, Advocate for Petitioners.
Smt. A. V. Gondhalekar, A. G. P. for Respondents.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.
DATE : 22ND JULY, 2016.

PER COURT :-

1. Mr. Bhosle, the learned counsel for Petitioners submits that, the Petitioners are running fair price shops and are authorised to sell kerosene but in view of the Government Resolution dated 3.11.2007 it is stated that the application would only be invited from the self help groups for grant of kerosene license. According to learned counsel the Petitioners were allowed to sell kerosene alongwith authorisation of fair price shops. Because of the impugned circular their rights would be affected and the said circular is also against the Article 19 (1) (g) read with Article 14 of the Constitution.

2. The learned A. G. P. states that, the said Government Resolution has been interpreted even by the Apex Court in a case

of **Partur Taluka S. D. Dukandar Sangh V/s State of Maharashtra and others [S. L. P. (Civil) No. 7743 of 2011] dated 1/4/2011.**

3. This court had upheld the said Circular / Government Notification and the judgment of this court has been upheld by the Apex Court. In view of that, the issue involved in the present Petition is no longer res integra.

4. In view of that, Writ Petition stands disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

sam/July.16