

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION (STAMP) NO. 6176 OF 2016
IN
WRIT PETITION NO. 4144 OF 2014

Shri. Tatyaba Dashrath Jadhav ... Petitioner

In the matter between:

Shri. Dharma Laxman Jadhav & Ors. Orig. Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

.....

Mr. Sharad S. Suryavanshi for the applicant.

Mr. S.D. Rayrikar, AGP for respondent nos. 1 to 3.

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CORAM : M.S. SONAK, J.

DATE : 22.03.2016.

P.C.:

1. Heard the learned counsel for the review petitioner.
2. Learned counsel for the review petitioner submits that the petitioner who had instituted Writ Petition No. 4144 of 2014 had no locus standi to question the order made by the Hon'ble Minister for Food, Civil Sand and Consumer Protection, in as much as, this ground has not been taken into consideration, there is an error apparent on face of record. Learned counsel for the petitioner further submits that the so called discrepancy or breaches, on the basis of which the authorisation granted to the review petitioner for running fair price shop was cancelled, were trivial in nature. In any case since, the review petitioner had rectified the breaches, the Hon'ble Minister, in the exercise of review jurisdiction was right in restoring the authorisation.

3. In my judgement there is no case made out for exercise of revisional jurisdiction. Infact, the review petitioner is abusing process of this court.

4. The authorisation granted in favour of the review petitioner was cancelled by the District Supply Officer (DSO) on 01/04/2011 on grounds of several breaches which can by no stretch of imagination can be described as trivial. The petitioners' first revision against the order dated 01/04/2011 was dismissed by the Deputy Commissioner on 29/08/2011. The petitioners' second revision was dismissed by the Hon'ble Minister on 12/09/2012. The Writ Petition instituted by the petitioner was dismissed by this court on 26/02/2013. The petitioner thereafter instituted a review before this court which he chose to unconditionally withdraw.

5. The petitioner, thereafter, pressed his Review Petition before the Minister in the matter of the order questioned in Writ Petition before this Court, without clear reference to such pending review petition. As noted in the order dated 27/11/2015 the very entertainment of review petition by the Minister in respect of the order which had already merged in the order made by this court was a exercise in excess of jurisdiction. The petitioner in Writ Petition No. 4144 of 2014 certainly had locus standi in the matter and infact , the objection on the basis of locus standi was not even raised at the stage when the order dated 22/11/2015 was made.

6. For the aforesaid reasons this Review Petition is dismissed with cost of Rs.5,000/-. The petitioner says that cost will be paid to the Kirtikar Law Library within a period of four weeks from today since this review petition is dismissed without any notice to the opposite parties.. The statement is accepted.

(M.S. SONAK, J.)