

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1685 OF 2014

AMBIKA TRADING COMPANY, BODAWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri P.B. Gamot.
AGP for Respondent Nos. 1 to 4 : Shri S.K. Tambe.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 08th January, 2018

PER COURT :

1. The petitioner is aggrieved by the order of the Commissioner. Food and Medicine Department, State of Maharashtra, dated 07/01/2014, by which, the petitioner has been directed to approach the competent authority as set out in the said communication. The petitioner is also aggrieved by the renewal of license by the designated authority, by order dated 07/12/2011, by which, the license of a shop keeper was renewed without the consent of the petitioner who is the owner of the said license. The further grievance of the petitioner is that the consent letter of the petitioner ought to have been demanded by the Designated Authority, Jalgaon, before renewing the license of the licensee who runs/operates the shop in the premises, which are owned by the petitioner.

2. I have heard the submissions of the learned advocate for the

petitioner and the learned AGP on behalf of respondents Nos. 1 to 4. Respondent No. 5, though served has not chosen to cause an appearance in person or through an advocate.

3. After considering the submissions of the learned advocates, I have gone through the petition paper book and I find that the grievance of the petitioner as regards renewal of the license of respondent No. 5/Shop keeper does not survive, since the license that was renewed at 01/01/2012 has already expired on 31/12/2016 and thereafter, there has been no further renewal. This petition, therefore, need not be kept pending.

4. At this juncture, learned counsel for the petitioner submits that the State Government must know that henceforth if any license of a licensee to operate the shop housed in the premises of the petitioner is to be renewed, the consent of the petitioner should be taken.

5. Learned AGP, submits that the State Government does not have any intention of flouting the Rules applicable and if the Rules mandate the requirement of the consent of the landlord, the State Government would always comply with such condition.

6. Considering the above statement, this petition is disposed of.

(RAVINDRA V. GHUGE, J.)

S.P.C.