

Dond

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1254 OF 2018

Amit Vasudev Pokade

..Petitioner

Vs

The State of Maharashtra, through the Secretary
Food and Civil Supply Dept. & Ors

..Respondents

Mr. M.A. Patil for the Petitioner.

Mr. S.D. Rayrikar, AGP for State/Respondent Nos.1 to 4.

Mr. P.D. Dalvi, for Respondent No.5.

CORAM : A.S.GADKARI, J.

DATE : 13th August 2019.

P.C.:

1] By the present petition under Article 226 of India, the petitioner has taken exception to the Order dated 23rd August 2017 passed by the Honourable Minister for State, Food and Civil Supplies Department, Government of Maharashtra, Mumbai in Revision Application No.VAK-1217/C.N.(P.K.)/NP-21.

2] Heard Mr. Patil, the learned counsel for the petitioner, Mr. Rayrikar, the learned AGP for the Respondent Nos.1 to 4 and Mr. Dalvi, the learned Advocate for the respondent No.5. Perused the record.

3] At the outset, Mr. Dalvi, the learned counsel for the respondent No.5 submitted that, the petitioner has no locus-standi to challenge the Order dated

23rd August 2017 passed by the respondent No.1 and only with a view to cause harassment to the respondent No.5, the present frivolous petition is filed.

4] The record indicates that, the petitioner is a ration card holder of a Fair Price Shop, a licence was issued in favour of the respondent No.5 by the District Food Supply Officer i.e. respondent No.3 herein. The respondent No.3 conducted inspection on 19.11.2011 of the said shop of the respondent No.5 and found serious irregularities and/or inconsistencies in the stock register. The respondent No.3 therefore, after following relevant provisions of law, passed an Order dated 15.12.2011 thereby suspending the management and licence of the said fair price shop granted to the respondent No.5. In the aforesaid Revision preferred by the respondent No.5, the respondent No.1 passed impugned Order dated 23rd August 2017 allowing the same by imposing a fine of Rs.5000/- on respondent No.5 along with other conditions mentioned in the said Order.

5] The record further indicates that, the petitioner was neither party to the original proceedings before the respondent No.3 nor before the Revisional Authority i.e. respondent No.1. It is the contention of the petitioner that, he being the resident of village Dorle, has right to challenge the impugned Order passed by the respondent No.1 herein.

6] After perusing the entire record, this Court finds substance in the submission made by the learned counsel for the respondent No.5. This Court is of the view that, the petitioner has no locus-standi to challenge the impugned Order

dated 23rd August 2017.

Writ Petition being devoid of any merit, is accordingly dismissed in
limine.

(A.S.GADKARI, J.)