

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6367/2017

Jivan Dashrath Uparwt and Anr.

Vs.

The Deputy Commissioner (Supplies), Akola Division, Akola and Ors

.....
Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders

Court's or Judge's order

.....
Mr. Pritesh Atkar, Advocate h/f. Mr. Firdos Mirza, Advocate for
Petitioners.

Ms. Shamsi Haider, AGP for Respondent(s)/State.

Mr. Sayajee Jagtap, Advocate for Respondent No.3.

CORAM : AMIT B. BORKAR, J.

DATED : 13th SEPTEMBER, 2022.

. The petition is filed by the villagers challenging the order of respondent No.1 dated 31.07.2017 granting permission to respondent No.3 to carry on fair price shop, which was cancelled by the order dated 15.04.2017 by the District Supply Officer.

2. According to petitioners, they are ration card holders of the shop and, therefore, have locus to challenge the order.

3. Petitioners are seeking a Writ of Certiorari under Article 227 of the Constitution of India.

4. The Hon'ble Apex Court in the case of *Ayaaubkhan Noorkhan Pathan Vs. State of Maharashtra and Ors.* reported in (2013) 4 SCC 465 in paragraph No.17 has held as under :

“17. In view of the above, the law on the said point can be summarised to the effect that a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others.”

5. In absence of infringement of the legal right of the petitioners, petitioners cannot be termed as an aggrieved person.

6. According to the petitioners, since they are complainants, they have a locus. The said issue has been dealt with by the Hon'ble Apex Court in the case of **Ravi Yashwant Bhoir Vs. District Collector, Raigad and Ors.** reported in **(2012) 4 SCC 407** wherein the Hon'ble Apex Court in paragraph No.59 has held as under :

59. The complainant has to establish that he has been deprived of or denied of a legal right and he has sustained injury to any legally protected interest. In case he has no legal peg for a justiciable claim to hang on, he cannot be heard as a party in a lis. A fanciful or sentimental grievance may not be sufficient to confer a locus standi to sue upon the individual. There must be injuria or a legal grievance which can be appreciated and not a stat pro ratione valuntas reasons i.e. a claim devoid of reasons.

7. Since petitioners have failed to establish that they have been deprived of or denied of a legal right and they have sustained injury to any legally protected interest, they cannot challenge the order passed by respondent No.1.

8. In that view of the matter, petitioners have no locus standi to challenge the order passed by respondent No.1. The petition cannot be entertained at the instance of petitioners.

9. The petition is, therefore, dismissed.

JUDGE

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