



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13375 OF 2023

Seema Kirtikumar Modi

.....Petitioner

Vs.

The State of Maharashtra Thr
Secretary and Ors

.....Respondents

Mr. Sharad S. Suryavanshi a/w Mr. Ranjit S. Hatkar for the petitioner
Smt. Poonam Bhosale for respondents
Mr. B. B. Dahiphale AGP for the State

CORAM : GAURI GODSE, J.

DATE : 16th APRIL 2024

P.C.

1. This petition takes an exception to the order dated 4th October 2023 passed by the State Government in a review application. The review application is allowed and the order passed in a revision application filed by respondent no. 4 is recalled and original order dated 16th June 2023 is set aside. By the impugned order, directions are issued to scrutinize the documents and decide the allotment of shop afresh.

2. Learned counsel for respondent no. 4 as well as learned AGP raises preliminary objection that the petitioner has no locus to file this petition. Learned counsel for the petitioner in response to the preliminary objection submits that the petitioner had filed intervention application before the State Government on 3rd October 2023. However, without deciding the application, the impugned order is passed.

3. I have perused the papers. It appears that intervention application was filed on 3rd October 2023, however, hearing of the review application was already conducted on 29th October 2023. Though the petitioner had filed an application for intervention, learned counsel for the petitioner does not dispute that the petitioner had never participated in the process of allotment of shop pursuant to the advertisement dated 8th November 2021. Pursuant to advertisement dated 8th November 2021, order dated 16th November 2022 was passed. Being aggrieved by the said order, respondent no. 4 had approached the State Government. On a revision and subsequent review application filed by respondent no. 4, impugned order was

passed.

4. Thus, the impugned order arises out of proceedings initiated pursuant to advertisement dated 8th November 2021. Admittedly, petitioner had never participated in the said proceedings.

5. Learned counsel for the petitioner submits that the petitioner is affected because of the said proceedings for the allotment of shop will affect the petitioner's rights with regard to the shop which is already allotted to the petitioner.

6. It is not the petitioner's case that the petitioner was not aware about the advertisement. Admittedly, the petitioner has neither challenged the advertisement nor challenged the allotment proceedings. Admittedly, petitioner has also not participated in the allotment proceedings pursuant to advertisement dated 8th November 2021. Hence, there is substance in the preliminary objection raised on behalf of respondent no. 4 and the learned AGP.

7. Learned counsel for the petitioner is unable to point out his locus for challenging the impugned order. Hence, the petition is dismissed

on the aforesaid preliminary objection. However, it is clarified that rejection of the present petition will not preclude the petitioner from taking appropriate steps as permissible in law for protecting the rights, if any, in favour of the petitioner qua the shop already allotted to her.

[GAURI GODSE, J.]