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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.410 OF 2025

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Manisha Popat Bhosale

... Petitioner

V/s.

Pragati Mahila Bachat Gat, through
it's President & Ors.

... Respondents

Mr. Vaibhav R. Gaikwad for the petitioner.

Mrs. V.R. Raje, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 5, 2025

P.C.:

1. The challenge in this writ petition is to an order passed by respondent No.2, the Appellate Authority, partially allowing the revision application filed by the Mahila Bachat Gat. By the impugned order, respondent No.2 affirmed the cancellation of respondent No.1's Fair Price Shop license while remanding the proceedings to the District Supply Officer for re-examination of specific procedural aspects, including compliance with natural justice principles, and to take consequential action thereafter. The petitioner, asserting an interest as a participant in the earlier proceedings, contests the remand direction, alleging procedural irregularity.

2. The petitioner claims to be a person who actively participated in the proceedings before the District Supply Officer

and the first Appellate Authority. According to him, he was granted a hearing before the first Appellate Authority, which he contends implicitly recognized his locus standi to challenge the impugned order. The petitioner asserts that his participation, as a member of the public reliant on the Fair Price Shop, confers upon him a “person aggrieved” status, entitling him to contest the remand. However, the record reveals that the petitioner’s role was limited to that of a complainant, and he holds no statutory or proprietary interest in the license or its operation.

3. The law in this regard is unequivocally settled by the Supreme Court in **Ravi Yashwant Bhoir vs. The Collector, District Raigad & Ors., AIR 2012 SC 1339**, which delineates the contours of locus standi in administrative and judicial proceedings. The Court, in paragraph 45, elucidated the distinction between a complainant and a party adversely affected by an order:

“44. [...] A legal right is an averment of entitlement arising out of law. [...] The complainant has to establish that he has been deprived of or denied a legal right and has sustained injury to any legally protected interest. [...] A person cannot be heard as a party unless he answers the description of an aggrieved party.”

4. This principle is in line with **Jasbhai Motibhai Desai vs. Roshan Kumar (AIR 1976 SC 578)**, where the Court held that a “busybody” lacking a direct legal injury cannot invoke writ jurisdiction. The petitioner’s reliance on his participation in prior proceedings is misplaced, as mere involvement, without a demonstrable legal injury, is insufficient to confer standing.

5. The observations by the Supreme Court in **Ravi Yashwant Bhoir (supra)** and **Jasbhai Motibhai Desai (supra)** conclusively establish that a complainant's role is circumscribed to providing evidence and does not equate to adversarial litigant status. The petitioner, having acted solely as a complainant, cannot assert a right to challenge the remand order, particularly when the impugned direction does not adjudicate substantive rights but merely ensures procedural compliance. Crucially, the petitioner's legal rights or interests—such as entitlement to subsidized goods—remain unaffected by the procedural remand, as the District Supply Officer's re-examination pertains solely to the fairness of the process adopted against respondent No.1. The petitioner's grievance, even if bona fide, amounts to *damnum sine injuria*, as no legal right stands infringed by the remand.

6. In light of the foregoing, the petitioner fails to establish the threshold requirement of *locus standi* under Article 226 of the Constitution of India. The writ petition, being devoid of merit and unsustainable in law, stands dismissed. No order as to costs.

(AMIT BORKAR, J.)