

(2003) 04 AHC CK 0133

Allahabad High Court

Case No: C.M.W.P. No. 491 of 2003

Rajoo

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: April 1, 2003

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2003) 3 AWC 1731

Hon'ble Judges: Prakash Krishna, J; M. Katju, J

Bench: Division Bench

Advocate: Gulab Chandra, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

M. Katju and Prakash Krishna, JJ.

Heard learned counsel for the petitioner and the learned standing counsel.

2. The petitioner has prayed for a writ of mandamus directing the Excise Commissioner, Uttar Pradesh and the District Magistrate, Mahrajganj to remove the country made wine shop of respondent No. 4. In our opinion, the petitioner has no locus standi in the matter. In Mithlesh Garg v. Union of India and Ors. AIR 1993 SC 443, the Supreme Court observed, following its own decision in Rice and Flour Mills v. State of U. P. and Ors. AIR 1971 SC 46 and [Jasbhai Motibhai Desai Vs. Roshan Kumar, Haji Bashir Ahmed and Others](#), that a rival businessman has no locus standi to file a writ petition under Article 226 of the Constitution even if grant of licence to his rival is illegal. This view has been followed by this Court in Hari Prasad Gupta v. Zila Panchayat. 1995 (2) AWC 929 : (1995) 2 UPLBEC 1171 and Supreme Court in [Northern Plastics Ltd. Vs. Hindustan Photo Films Mfg. Co. Ltd. and Others](#),

3. Following the above decisions we hold that the petitioner has no locus standi to maintain the writ petition. The writ petition is accordingly dismissed.