

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LPAST/8383/2013

MANISHA NAGESH SHINDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Devakate Anant R
AGP for Respondents No.1 to 3: Mrs. M.A.Deshpande

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CORAM : **R. M. BORDE & P.R. BORA, JJ.**

Dated: July 17, 2015.

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PER COURT :-

1 The applicant is taking exception to the order, passed by the single Judge of this Court, in Writ Petition No.4983 of 2012, decided on 31.3.2013. The learned single Judge, while allowing the Writ Petition, presented by the respondent, has quashed and set aside the order passed by the Honourable Minister, in exercise of revisional jurisdiction, permitting the shop owner, the appellant herein, to continue to operate the license in respect of distribution of food grains and kerosene, at controlled price. It

is observed in the order that, the Honourable Minister, in spite of confirming the findings in respect of irregularities committed by the appellant and in spite of recording observation in order that there is a criminal prosecution pending against the appellant, under the provisions of Essential Commodities Act, proceeded to condone the lapses, directing him to deposit Rs.5,000/-. The learned single Judge placed reliance on the judgment in the matter of **Shivaji Tulshiram Thakre Vs. State of Maharashtra and ors.** reported in 2012 (3) ALL. M.R. 789, wherein-under, the learned single Judge of this Court has recorded observations that, it is not within the scope of revisional jurisdiction of the Honourable Minister to give one more opportunity to respondent to pay the amount, which he had misappropriated, along with fine of Rs.5,000/-, as a condition for restoration of the license.

2 We are of the opinion that, the reliance

placed by the learned single Judge, on the above cited Judgment of learned single Judge, is proper.

3 For the reasons recorded above, we are of the opinion that, no interference is called for in the order passed by the learned single Judge, allowing the writ petition and quashing and setting aside the order passed by the Honourable Minister.

4 It is a matter of record that, the concerned Honourable Minister, has in a similar fashion, caused interference in more than 100 such matters and the orders of the Honourable Minister were challenged under the writ jurisdiction of this Court. This Court has caused interference in all such orders.

5 For the reasons recorded above, the LPA stands dismissed.

(P.R. BORA, J)

(R.M.BORDE, J)