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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5896 OF 2015

Suresh Bandu Sananse and Another

PETITIONERS

VERSUS

The State of Maharashtra & others

RESPONDENTS

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Mr. R.R.Mantri h/f Mr. R. R. Sancheti, Advocate for the petitioners
Mr. S. K. Tambe, AGP for respondent State

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 12th JUNE, 2015

ORDER :

1. The petitioners are before this court purporting to be aggrieved by an order dated 2nd June, 2015 suspending licence of the petitioners for a period of three months.
2. Learned advocate for the petitioners submits that the impugned order is absolutely arbitrary and unsustainable. There is no ground whatsoever for passing the order, which has all the trappings of infliction of punishment for a period of three months and that the petitioners' livelihood depends on running of licenced shop.
3. Learned advocate for the petitioners submits that it is a

case wherein a Tahsildar had been imputed issuing some bogus ration cards and such bogus cards, according to him, had been attached to nine licence holders. He further contends that, however, as far as such attached card holders are concerned, there had been no distribution of food grains to them at any point of time and there is ample record depicting the same. He further submits that notice, which had earlier on been issued to the petitioners directing them to produce record, had been duly complied with, albeit certain record could not be produced. In such circumstances, it is not a case where licence could be allowed to be suspended.

4. Learned AGP appearing for the respondents, however, contends that the petition raises questions of facts and the matter would require verification of facts. He further submits that it is not a case wherein the impugned action can be said to be unauthorized one. The action appears to have been taken after following due process and after conducting inquiry. He further submits that the authority has taken action pursuant to clause 10 of the Maharashtra Scheduled Commodities Retail Dealers' Licensing Order, 1979. He also refers to clause 15 of said order providing for an appeal against order of suspension.

5. Having regard to aforesaid submissions, since the matter may require appreciation of facts, I do not deem it appropriate to invoke jurisdiction of this court and as such, the writ petition is not being entertained and the same stands rejected. It is, however, open for the petitioners to make an approach before appropriate appellate forum. Petition stands disposed of.

[SUNIL P. DESHMUKH, J.]

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