

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.7479 OF 2005

Indiranagar Primary Grahak
Sahakari Sanstha Ltd.,
Indiranagar, Aurangabad,
Through its Chairman,
Shri Bababseth s/o Babulal Chudiwal,
Age-49 years, Occu:Chairman,
R/o-Indiranagar, Aurangabad,
Tq. & Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through Secretary Food and
Civil Supply Department,
Mantralaya, Mumbai,
- 2) The Deputy Commissioner (Supply),
Division Aurangabad,
Dist-Aurangabad,
- 3) District Supply Officer,
Aurangabad,
- 4) Foodgrains Distribution Officer,
Aurangabad, Dist-Aurangabad.

...RESPONDENTS

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Mr.K.J. Suryawanshi Advocate for Petitioner.
Mr.S.G. Sangle, A.G.P. for Respondents.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 25TH MARCH, 2015

ORAL ORDER :

1. Mr. Suryawanshi, the learned counsel for the Petitioner submits that the licence of the fair price shop was given in the name of the Petitioner society. On 21th May 2005 order was passed by the District Supply Officer thereby attaching the card holders of the Petitioner fair price shop with another fair price shop. According to the learned counsel, no inquiry was conducted at any point of time before passing of the order or even no show cause notice was issued to the Petitioner. In the Revision, the Deputy Commissioner (supply) did not consider all these aspects of the matter and only by stating that the matter is sensitive, rejected the Revision.

2. Mr. Sangle, learned A.G.P. submits that many complaints were received against the fair

price shop run by the Petitioner society and in light of that no error has been committed by the Deputy Commissioner (Supply), Aurangabad.

3. It would be seen that cryptic order is passed by District Supply Officer on 21st May 2005 thereby directly attaching the card holders of the Petitioner fair price shop with another shop. The said action is taken, probably on the representation of the Republic Party of India. Whenever an action which entails either civil or penal consequences is resorted, the minimum requirement of adherence to the principles of natural justice is mandatory. In the present case, order nowhere depicts that prior to passing impugned order notice was even issued to the Petitioner. In light of that, impugned orders cannot be sustained.

4. Order dated 21st May, 2005 passed by the District Supply Officer, Aurangabad (Exhibit P-1)

and the order dated 6th October, 2005 passed by the Deputy Commissioner (supply), Aurangabad (Exhibit P-3), are quashed and set aside. Rule accordingly made absolute. No costs.

5. It is made clear that this order would not be impediment to the Authorities to proceed in accordance with law.

[A.I.S.CHEEMA, J.]

asb/MAR15

[S.V. GANGAPURWALA, J.]