

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

18 WRIT PETITION NO.7170 OF 2014

SAVITRIBAI FULE MAHILA BACHAT GUT THROUGH GUT PROMO
KAMALBAI SHANKAR GADE AND OTH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Sontakke Sandeep B
Mrs. MA Deshpande, AGP for Respondents: 1 to 5;
Mr. Dighe Pravin S, Adv. For R/6.

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

DATE : 6th August, 2015.

PER COURT :

1) Heard. The petitioners are prahying for issuance of directions to respondents to accept the application tendered by the petitioners for issuance of a license to operate fair price shop and distribute kerosene at a reserved price.

2) It cannot be a matter of dispute that a proclamation was issued, inviting applications for issuance of license to run the fair price shop at village Chatori, Tq. Palam, District Parbhani. The last date prescribed for acceptance of the

applications in prescribed proforma was 30th July, 2014. The petitioner was issued challan on 31st July, 2014 and he tried to submit the application to the office of Tahsildar on 31st July, 2014, which was not accepted. The petitioners contend that by virtue of oral directions issued by the Collector, time was extended by a day and as such, the Tahsildar, acting upon the oral directions, issued the challan. It is the contention of the petitioners that, it was incumbent upon the Tahsildar to accept the application of the petitioners and forward his proposal along with the proposal of the respondent - Bachat Gat for consideration of the Gram Sabha. The contentions raised by the petitioners in the petition have been controverted by the Naib Tahsildar, who has presented an Affidavit in reply on behalf of Respondent No.3. The contention of the petitioner was controverted stating that the time was extended for acceptance of the application. However, there does not appear to be any record indicating extension of time for submission of the application.

3) Since the proposal sought to be tendered by the petitioner was beyond prescribed period, the Tahsildar was justified in refusing to accept the

same. The proposal tendered by Respondent No.6, now shall have to be placed before the Gram Sabha for consideration and on receipt of approval of the Gram Sabha, authorization can be issued either by the Tahsildar or District Supply Officer.

4) For the reasons recorded above, the writ petition is devoid of substance and the same stands dismissed.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/