

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

WRIT PETITION NO.9040 OF 2014

Vishwash Bhaskarrao Gadhe

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr Avinash S.Deshpande, Advocate for petitioner

Mr S.K.Tambe, A.G.P. for respondents No.1 to 4

Mr S.P.Sonpawale, Advocate for respondent No.5

CORAM : N.W. SAMBRE, J.

DATE : 10th March 2015

PER COURT

1. The petitioner preferred a revision before the State Government in exercise of Clause 24 of the Maharashtra Scheduled Commodities (Regulation and Distribution) Order, 1975 questioning the legality and validity of the order passed by the Deputy Commissioner (Supply) on 17th December 2013.

2. The said revision, according to petitioner was given number as VM-1114/P.K.185/N.P.21 came to be decided on 11th September 2014. While deciding the revision, in the array of parties, the present petitioner who was applicant in the revision, was shown as respondent No.3 and respondent No.4 to the revision was shown to be an applicant.

3. Learned Counsel for respondent No.4 before the State Government in revision agrees to the said fact that he was respondent

No.4 and not applicant before the State Government in Revision No.VM-1114/P.K.185/N.P.21.

4. As such, the perusal of the cause title and the considerations reflects that the State Government has passed an order on the said revision without application of mind, as the very status of the parties to that revision is changed by the State Government.

5. In view thereof, as the order appears to be passed without application of mind, same is not sustainable.

6. As such, the following order :

(a) The order dated 11th September 2014 passed by respondent No.2, the learned Food and Supply Minister in Revision No.VM-1114/P.K.185/N.P.21, is hereby quashed and set aside. The matter is remanded to the respondent No.2 with a direction to decide the same as expeditiously as possible and in any case within a period of six months from the date of receipt of the order.

(b) Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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