

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.8631/2011group

**902 WRIT PETITION NO. 8631 OF 2011
WITH CA/7710/2015 WITH WP/8627/2011 WITH
WP/8630/2011 WITH WP/8632/2011 WITH
WP/8641/2011 WITH WP/8650/2011**

BALKRUSHNA GANPAT SHENDGE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Petitioners : Mr.Suryawanshi Prashant D. and
Mr. Ashok R Tapse
AGP for Respondent State : Mr. S.G.Karlekar

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: September 30, 2015

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PER COURT :-

1) Heard. The Petitioners are praying for issuance of directions to the Respondents to resume the supply of kerosene for distribution to the card holders. The Petitioners are operating the fair price shops and were authorized to distribute kerosene to the card holders under the license issued by the competent authority. However, due to intervening developments, as a result of initiation of criminal proceedings under penal charges, the authorization to distribute the essential commodities came to be suspended. It has now been brought to our notice that, all the petitioners have been acquitted of the charges leveled against them by the criminal Court, and the State has taken a decision to accept the verdict of the criminal Court, and not to challenge the same before appellate Court.

agp/-

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WP NO.8631/2011group

2) An affidavit in reply has been presented on behalf of Respondent No.3 by the Naib Tehsildar, wherein it has been stated that in view of the changed circumstances, the Petitioners may be directed to present application to the District Supply Officer, Beed and the said authority will look into the application and issue necessary directions in accordance with law, and on consideration of merits of each case.

3) The Petitioners states that, after the decision in criminal case lodged against them, they have tendered a representation to the District Supply Officer, requesting him to resume the kerosene supply and review the earlier orders issued by him directing suspension of authorization. However, the concerned authority has not taken any decision in the matter. In view of the affidavit tendered on record by Respondent No.3, it is obligatory on the part of concerned authority to take appropriate decision in accordance with law, and communicate the same to the Petitioners. If any of the Petitioner has not tendered any representation / application, the same shall be presented within a period of fifteen days from today. The District Supply Officer shall consider the representations / applications, those are already submitted by the Petitioners as well as those, which may be submitted by some of the Petitioners and take appropriate decision in accordance with law, and on consideration of merits of each case, as expeditiously as possible, preferably within a period of six

agp/-

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weeks from today.

With the directions as above, the writ petitions are disposed of. Pending Civil Applications, if any, do not survive, and stand disposed of. Rule discharged accordingly. There shall be no order as to costs.

Parties to act upon an authenticated copy of this order.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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