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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4826 OF 2013

Sojwal Mahila Bachat Gat & Anr.

..Petitioners.

V/s.

State of Maharashtra & Ors.

..Respondents.

Mr.V.A.Gangal with Mr.Anup Deshmukh for the petitioners.

Mrs.M.P.Thakur, AGP for the respondent Nos.1 to 4.

MR.P.A.Pol i/b. Pol Legal juris for the respondent No.5.

**CORAM : A.S.OKA AND
A.K. MENON, JJ.**

DATED : 27TH FEBRUARY, 2015

P.C. :-

1. Heard the learned counsel appearing for the petitioner. Learned AGP appears for the first to fourth respondents. Mr.Pol, the learned counsel appears for the fifth respondent. When the order dated 3rd October, 2012 was passed by the Hon'ble the Minister of the Food and Civil Supplies Department, the Government of Maharashtra on the Revision Application preferred by the fifth respondent, the petitioner was already selected for grant of authorized ration shop. Therefore, in our view, the petitioner was a necessary and proper party to the Revision Application.

2. The learned counsel appearing for the fifth respondent states that he has no objection if the matter is remanded to the Hon'ble Minister with a direction to the Hon'ble Minister to decide the Revision Application in a time bound schedule.

3. In view of the aforesaid statement, we dispose of the petition by passing the following order:-

- (i) The order dated 3rd October, 2012 passed by the Hon'ble the Minister of State and the order dated 5th May, 2013 passed by the Deputy Civil Suppliers Officer, Jawahar, District Thane are hereby set aside;
- (ii) The revision application preferred by the fifth respondent before the State Government is hereby restored to the file;
- (iii) We direct the first petitioner and the fifth respondent to appear before the Revisional Authority on 16th March, 2015 at 3.00 p.m.;
- (iv) The Revisional Authority shall permit the fifth respondent to amend the revision application by impleading the present petitioner as a party;
- (v) The Revision Application shall be decided as expeditiously as

possible and in any event within a period of two months from the date fixed for the appearance of the parties;

(vi) We make it clear that all the questions on merits are kept open;

(vii) We make it clear that the order impugned in the petition has been set aside not on merits but on the ground of the breach of principles of natural justice;

(viii) The petition is disposed of in the above terms;

(ix) All concerned to act on the authenticated copy of this order.

(A.K.MENON, J.)

(A.S.OKA, J.)