

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 20618 OF 2014

Saibaba Mahila Bachatghat	..	Petitioner
VS.		
State of Maharashtra & Ors.	..	Respondents

WITH
WRIT PETITION NO. 7474 OF 2014

Divanman Dongripada Mahila Bachatghat	..	Petitioner
VS.		
State of Maharashtra & Ors.	..	Respondents

WITH
WRIT PETITION (STAMP) NO. 20617 OF 2014

Saibaba Mahila Bachatghat	..	Petitioner
VS.		
State of Maharashtra & Ors.	..	Respondents

Mr. Mukesh Aiya for Petitioners in all Petitions.
Ms Aparna Vhatkar – AGP for Respondent Nos. 1 to 3 in WP (STAMP) Nos. 20618 and 20617 of 2014.
Ms Vaishali Nimbalkar – AGP- for Respondent Nos. 1 to 3 in WP 7474 of 2014.
Mr. S. P. Kanuga i/b. Ms Sapna Nath for Respondent Nos. 4 to 7 in all Petitions.

CORAM : M. S. SONAK, J.
DATE: 03 MARCH 2015

P.C. :-

1] Rule in each of the three petitions. With the consent and at the request of the learned counsels for the parties, Rule is made returnable forthwith.

2] As common issues of law and fact arise in these three matters, the same are disposed of by a common order.

3] The petitions impugn the orders dated 18 July 2014 made by the Minister (Food and Civil Supplies) allowing the revisions petitions and cancelling the fair price shop allotted to the petitioners.

4] It is the case of the petitioners that the matters were posted for hearing on 29 April 2014. On the said date, the representative for the petitioners made a grievance that copy of the revision petitions had not been furnished and that such copy to be provided and some reasonable time be granted to make submissions. Since the same was not done, the Advocate for the petitioners on the same day i.e. 29 April 2014, addressed a communication to the Secretary ((Food and Civil Supplies Department) place on record that such request was made and reiterated the application for adjournment to some short date.

5] The impugned order dated 18 July 2014 records that representative on behalf of the petitioners was present on 29 April 2014. There is no record in the impugned order that any request was made by or on behalf of the petitioners for adjournment on the ground that copy of revision petitions was never furnished to them. However, there is on record Advocate's letter dated 29 April 2014, which records that such request was made and adjournment to a

short case applied for. Thus, there is some contemporaneous record that the petitioners had indeed complained of the non receipt of memo of revision petitions. Further, the records are not very clear with regard to the service of the revision petitions upon the petitioners.

6] In this view of the matter, it would be appropriate if the impugned orders dated 18 July 2014 made by the Minister (Food and Civil Supplies) are set aside upon this short ground. Accordingly, the impugned orders are set aside and the revision applications are remanded for fresh consideration by the Minister (Food and Civil Supplies).

7] The learned counsel for the respondents who had instituted the revision applications states that copy of revision petitions had been supplied to the petitioners, but without prejudice to this, copies thereof will be supplied to the learned counsel for the petitioners today itself. The learned counsel for the petitioners agrees to accept the copies of the revision petitions, on behalf of the petitioners. Accordingly, there is no further dispute with regard to the receipt of the copies of the revision petitions.

8] The parties to appear before the Secretary (Food and Civil Supplies Department) on 16 March 2015 at 3.00 p.m., in order to

obtain a suitable date for the hearing in the revision petitions. The Minister (Food and Civil Supplies) is requested to dispose of the revision petitions within a period of ten weeks from today.

9] It is clarified that this Court has not gone into the merits of the matter and the impugned orders are set aside only because of the complaint of the petitioners that they were not served with the copy of the revision petitions, before the impugned order was made. All contentions of all parties are therefore specifically kept open for decision the Minister (Food and Civil Supplies). All observations made by this Court, including in particular observations made at the stage of grant of interim relief are only *prima facie* and the Minister (Food and Civil Supplies) to dispose of the revision petitions without being influenced by the same.

10] All parties to act on the basis of an authenticated copy of this order.

11] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. SONAK, J.)