

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1063/2015

(MUJIB AHMAD MOHHAMAD ISMAIL **VERSUS** THE S.D.O., YAVATMAL & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri M.I. Dhatriak, counsel for the petitioner.
 Shri N.R. Rode, A.G.P. for the R-1.
 Shri S. Raisuddin, counsel for the R-2 & 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : OCTOBER 8, 2015.

By this petition, the petitioner seeks a direction to the respondent no.1-Sub-Divisional Officer, Yavatmal to conduct an enquiry on the complaint made by the petitioner on 22.12.2014 in respect of the irregularities committed by the respondent nos.2 and 3 in running fair price shops.

According to the petitioner, though by the order dated 07.01.2015, the District Supply Officer, Yavatmal had directed the Sub-Divisional Officer to conduct an enquiry in the matter on the complaint made by the petitioner, the Sub-Divisional Officer has not conducted the same. By the proposed amendment, it is sought to be brought on record that an enquiry was conducted in the matter by the Supply Inspector and a report favouring the respondent nos.2 and 3 is prepared. It is stated that the enquiry is based on the statements of certain card holders who have given statement to the petitioner that they had not made the statements, as recorded in the enquiry report, before the Supply Inspector.

We find that an enquiry is conducted through the Sub-Divisional Officer by the Supply Inspector and it is found in the enquiry that the respondent nos.2 and 3 have not committed any illegalities. If the petitioner is aggrieved by the said decision, the petitioner should avail other remedies. It would not be possible in exercise of the extraordinary writ jurisdiction to sit in appeal over the enquiry report of the Supply Inspector when there is word against word, the petitioner stating on one hand that the card holders had not deposed in the manner as stated in the enquiry report before the Supply Inspector and the report depicting that the enquiry was based on the statements of the said card holders.

In the circumstances of the case, we find that the direction issued by the District Supply Officer to the Sub-Divisional Officer to hold an enquiry in the matter has been complied with, and the cause for filing the writ petition is rendered infructuous on the conclusion of the enquiry.

In the result, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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