

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

WRIT PETITION NO. 520 OF 2016

Vividh Karyakari Seva Sahakari Society,
Rohilagad, Throguh its Chairman,
Manjitrao Bhimrao Takale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sambhaji S. Tope, Advocate for the Petitioner.
Shri B. A. Shinde, A. G. P. for the Respondent Nos. 1 to 5.
Shri S. S. Patnurkar, for J. P. Legal Associates, Advocate for the
Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 26TH APRIL, 2016.

PER COURT :

. Mr. Tope, the learned counsel for the petitioner submits that, about 30 to 34 years back, in the year 1982 the fair price shop run by the petitioner was transferred to the respondent No. 6. The same was only for running the fair price shop. The petitioner is entitled to get it back. According to the learned counsel, large scale illegalities are committed by the respondent No. 6. Applications are given to the Authorities, but no action is being taken.

2. The learned A. G. P. submits that, there is no record to show that the fair price shop was ever allotted to the petitioner. The respondent No. 6 is running the fair price shop under the valid license. Periodically inspections are made whenever irregularities and illegalities are observed. However, action is taken after conducting enquiry. According to the learned A. G. P. the fair price shop is issued to the respondent No. 6 after issuing proclamation.

3. The learned counsel for the respondent No. 6 submits that, the respondent No. 6 has a valid license to run the fair price shop. No illegality is committed by the respondent No. 6 at any point of time.

4. We have considered the submissions canvassed by learned counsel for respective parties.

5. The case of the petitioner is that the petitioner has transferred the fair price shop to the respondent No. 6 for the purpose of running the fair price shop in the year, 1982. It is almost 24 years back. There is nothing on record to show that the petitioner possesses a license to run the fair price shop so as to consider the prayer made by the petitioner for transfer of the fair price shop to it. Unless the petitioner possesses the valid license to run the fair price shop, this Court cannot come to the

assistance of the petitioner.

6. It is also the case of the petitioner that irregularities are committed by the respondent No. 6 while running fair price shop. Representations are given in respect of the same, however, no action is taken by the Authorities.

7. Affidavit is filed that, periodical inspections of fair price shops are made. Inspection reports are submitted for further and necessary action against the erring shop owners after conducting enquiry action would be taken. The representations are filed by the petitioner regarding the work of the respondent No. 6. In that case the respondent / Authorities shall consider the said representation/application of the petitioner regarding alleged illegalities and take decision upon the same. Of course after giving notice to the respondent No. 6 and hearing the respondent No. 6, the said exercise shall be done expeditiously and preferably within a period of six (6) months from today. The writ petition is accordingly disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 16