

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.1569 OF 2015**Mayabai W/o Arun Dodke and others Vs. The State of Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.J.More, advocate holding for Mr.S.T.Veer, advocate for the petitioners.
 Mrs.A.V.Gondhalekar, Addl. Govt. Pleader for the State.
 Mr.Sopan Bobade, advocate holding for Mr.Kiran Jadhav, advocate for Respondent No.5.

CORAM : S.V.GANGAPURWALA AND K.K.SONAWANE, JJ.
Date : 04.08.2016.

PER COURT :

1. Heard.
2. The learned counsel for the petitioners states that the recommendation made by the District Supply Officer in favour of Respondent No.5 is not in consonance with the Government Resolution dated 3.11.2007. The procedure as laid down therein has not been followed. The Committee has to make allotment. The members of the Committee are also specified in the Resolution. The D.S.O does not have any right. The proclamation was issued in the year 2012. There is delay of more than two and half years. On the

ground of delay itself, the further process is vitiated. The learned counsel further submits that even the Women's Gramsabha has resolved in not recommending the name of Respondent No.5. All these aspects are not considered by the Respondent authority while recommending the name of Respondent No.5. Because of delay caused, the whole process be cancelled and new process be directed to be conducted for allotment of fair price shop.

3. Learned A.G.P. states that as yet allotment has not been made in favour of Respondent No.5 and it is only the recommendation of the D.S.O.

4. It appears that initially the petitioners have not raised any objection with regard to the eligibility of Respondent No.5. The petitioner No.3 may not have any locus-standi to raise any objection as the same was to be allotted to the Mahila Bachatgats/Mahila self-help group.

5. No provision is pointed out to show that the process has to be completed within a particular time. Moreover, no allotment has been made in favour of Respondent No.5 as yet. Only recommendation of District Supply Officer is being assailed in the present Writ Petition.

6. It is for the competent authority/Committee as the case may be to take a decision regarding allotment of the fair price shop. The said stage has not yet arrived as no allotment has been made as yet

of the fair price shop in question. Only recommendation may not be a subject matter of challenge. It is for the authority to either accept or reject the recommendation and issue order of allotment of fair price shop. No right as on today is created in favour of any party.

7. Considering the above, the Writ Petition is disposed of. In case further process of allotment of fair price shop is taken up or allotment is made to any Mahila Bachatgat and if there is any irregularity, aggrieved person can assail the same. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.04.08.2016.
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