

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

23 WRIT PETITION NO. 6046 OF 2015
WITH CA/1392/2016 IN WP/6046/2015

CHANDRABHAGABAI PRALHADRAO AMBHIRE AND OTHERS
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Thombre S. S.
Govt. Pleader for Respondents State: Mr. A. B. Girase

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 4th October, 2016

ORDER:

1. We have heard Mr. Thombre, the learned counsel for the petitioners and Mr. Girase, the learned Government Pleader for the respondents.

2. By way of the Civil application, the petitioners have sought leave to amend the petition, thereby challenging the order passed by the Deputy Commissioner of Supply dated 15.01.2016. Licence of the petitioners for running fair price shops is cancelled by the District Supply Officer. The petitioners had filed appeals before the Deputy Commissioner (Supply), Aurangabad Division. During the pendency of the appeals, the petitioners had filed the present writ petition.

3. It is stated that there were about five fair price shops against which the action is taken by the District Supply Officer cancelling recognition of the fair price shops. All of them had appealed before the the Deputy Commissioner of Supply. In case of three fair price shop owners, the Deputy Commissioner set aside the orders and remitted the matter back to the District Supply Officer. However, in the present case, the appeals are dismissed.

4. We have gone through the judgment delivered by the Deputy Commissioner(Supply). The said judgment does not give reasons. The Deputy Commissioner, while dealing with the appeals, was required to re-appreciate the facts as contended by both the parties. However, the order dismissing the appeals does not show all the said aspects being taken into consideration. The reasoning is concluded in four lines. Reasons now are considered to be the third pillar of the principles of natural justice. The reasons depict the application of mind of the authority passing order. In absence of any reason, the order cannot be sustained. In other three cases, the matter is remitted back to the District Supply Officer.

5. Considering the aforesaid conspectus of the matter, we pass following order.

i. The impugned order passed by the Deputy Commissioner (Supply) dated 15.01.2016 is quashed and set aside.

ii. The matter is remitted to the District Supply Officer for considering the case of the petitioners regarding recognition to their fair price shops afresh, on its own merits, in accordance with law and after hearing the parties concerned.

6. Writ petition is accordingly allowed in the above terms. No costs.

7. Civil application also stands disposed of.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC