

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

4 WRIT PETITION NO. 5875 OF 2016

SURENDRA BHAGIRATH TOSHNIWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. S.S. Rathi
AGP for Respondents: Mr. V.M. Kagne
Advocate for Caveator(Not party) :Mr. Amol Gandhi with Mr. P.R. Adkine

CORAM : R. M. BORDE & K.L. WADANE, JJ.
Date: June 13, 2016

PER COURT :-

1 The petitioner is objecting to the order passed by the District Supply Officer, Parbhani on 21.4.2016. It is not a matter of dispute that the appeal lies to the Commissioner of the Division. However, the powers are delegated, it is informed, to the Deputy Commissioner - Supply. The petitioner has apprehension that since the action impugned is taken under the instructions of the Collector who is an IAS Officer, the Deputy Commissioner - supply who does not belong to IAS cadre, may be influenced by the interference by the Collector and the petitioner may not get justice. The apprehension of the petitioner is unfounded. In the facts of the case, we direct the Commissioner to take decision, in the event of presentation of the appeal by the petitioner to the concerned authority, either himself or may by transfer the matter to the delegate or the officer authorized to deal with the appeal. The appellate authority shall take decision in the matter in accordance with the provisions of law, without being influenced by the interference caused in the matter by the Collector.

2 With the liberty as above, the writ petition stands disposed of.

(K.L. WADANE, J.)

(R. M. BORDE, J.)