

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

WRIT PETITION NO. 6693 OF 2016

- 01 Satish s/o Santram Chavan,
age 48 years, occup. Agri. and
Vigilance Committee Member of
village Jategaon, R/o Jategaon,
Tq. Georai, Dist. Beed`
- 02 Sham s/o Laxman Chavan,
Age 35 years, occup. Agril.,
R/o Jategaon, Tq. Georai,
Dist. Beed .. Petitioners
- versus
- 01 The Deputy Commissioner (Supply),
Aurangabad
- 02 The District Supply Officer,
Beed
- 03 The Tahsildar, Gevrai,
Tq. Gevrai, Dist. Beed
- 04 Nilawati w/o Maroti Chavan,
Age 60 years, occup. Business,
R/o Jategaon, Tq. Gevrai,
Dist. Beed .. Respondents

Mr. Pravin S. Dighe, Advocate for petitioners
Mr. S. K. Tambe, Asstt. Govt. Pleader for respondents no. 1 to 3
Mr. K. R. Doke, Advocate for respondent no. 4 – caveator

CORAM : SUNIL P. DESHMUKH, J.
DATE : 27th June, 2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. Heard learned
counsel for parties by consent finally.

2. Petitioners are before this court, purportedly aggrieved by endorsement appearing in *roznama* dated 21-06-2016 in revision bearing no. 2016/SB/RP/384 passed by respondent no.1 simply recording that stay is vacated and posting the matter on 01-08-2016.

3. Briefly stated, respondent no. 4's licence was suspended under order passed in 2006 by the district supply officer – respondent no. 2. Subsequently, ten years down, the same came to be restored on certain conditions. Restoration had been the subject-matter of challenge in revision filed at the instance of present petitioners. Along with revision application, it appears, by way of interim relief, stay of order passed by respondent no. 2 restoring licence of respondent no. 4, had also been sought by filing an application to that effect. By making certain observations, respondent no.1–deputy commissioner (supply), Aurangabad had stayed effect of order dated 07-04-2016 passed by respondent no. 2 – district supply officer restoring licence of respondent no. 4 and the matter accordingly had been kept on 21-06-2016

4. It is being contended on behalf of respondent no. 4 that on 21-06-2016, hearing had taken place on stay application before

respondent no.1-deputy commissioner (supply). He further contends that the order purportedly impugned in this writ petition can be subjected to further revision before the State government having regard to clause 24 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975.

5. Learned counsel for petitioners draws attention of this court to the way in which impugned order appears to have been recorded and adjourning the proceedings in revision.

6. He submits that the impugned order is without application of mind and absolutely without reasons supporting the same. Impugned order supports and lends credence to submission of the petitioners and that alternate remedy may not be efficacious to to petitioners, having regard to facts, circumstances and record.

7. Having regard to nature of the order impugned, it would be expedient to direct respondent no. 1- deputy commissioner (supply) to decide on the stay application filed along with revision application after hearing parties, afresh.

8. As such, impugned endorsement/order as depicted on the proceeding sheet to the extent of vacating relief granted on 13-05-2016 stands quashed and set aside and stay order as had

been passed before stands restored. Application for stay to be decided after hearing parties. Accordingly, parties would address themselves on the next date before respondent no.1-deputy commissioner (supply).

9. Writ petition stands allowed. Rule made absolute accordingly.

SUNIL P. DESHMUKH,
JUDGE

pnd