

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

WRIT PETITION NO. 10042 OF 2015

M/S VENKATESH OIL AGENCIES THROUGH ITS PARTNER
NAGNATH LAXMANRAO GHISEWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Bachate Pralhad D.
AGP for Respondent/State : Mrs. M.A. Deshpande

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CORAM : S.S. SHINDE & V.L. ACHLIYA, JJ.
Dated: March 10, 2016

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PER COURT :-

Heard the learned counsel appearing for the petitioner. The learned counsel appearing for the petitioner fairly concedes that, by the passage of time, the prayer clause 'B' in the Petition cannot be considered by this Court.

2, So far prayer clause 'C' is concerned, the learned counsel appearing for the petitioner submits that, in P.I.L. No. 16/2014 (Kaduji Deoba Pund Vs. The Union of India and others), the High Court bench at Nagpur by an interim order issued the directions that, the State Government shall immediately provide equal quota for the

residents of urban areas and rural areas. According to the learned counsel appearing for the petitioner, though the State Government in adherence to said directions is supplying the kerosene/quota properly to other districts, but the same directions are not adhered to so far Nanded district is concerned. In support of aforesaid contentions, the learned counsel appearing for the petitioner has invited our attention to the allocation of September, 2015 and submits that, though the said order is passed at state level, the District Collector, Nanded is not implementing the said order.

3. The District Inspection Officer, Civil Supply, Nanded has filed the affidavit in reply and in the affidavit in reply, it is tried to be demonstrated that, release is as per the supply and therefore, there is no illegalities and irregularities committed by the District Collector.

4. We have given careful consideration to the submissions advanced by the learned counsel appearing for the petitioner and the learned A.G.P. appearing for the Respondent/State. With their able assistance, we have

perused the pleadings in the Petition, grounds taken therein, annexures thereto, affidavit in reply filed by the respondents, and in particular, the chart showing distribution of kerosene annexed to the affidavit in reply.

5. Upon considering the entire material placed on record, in our opinion, it will be too early and premature to hold that, the District Collector, Nanded or the State Government has not following the directions issued by the High Court bench at Nagpur in P.I.L. No. 16/2014. Therefore, if the petitioner is advised, the petitioner may collect the data of another two months about distribution of kerosene in entire State of Maharashtra, and if the petitioner finds Nanded district is being discriminated by releasing the less kerosene quantity viz-a-viz other districts, it is open for the petitioner to give the comprehensive representation to the Respondent No.1, and in case the respondent No.1 failed to address the said grievance of the petitioner, it is always open for the petitioner to invoke extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

6. In the circumstances, we are not inclined to entertain this Petition. Hence Petition stands rejected.

(**V.L. ACHLIYA, J.**)

(**S.S. SHINDE, J.**)

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