

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.730/2015

Dinkarrao Shankarrao Patil & Anr.

... Petitioners

Vs.

State of Maharashtra & Ors.

... Respondents

Mr. Pramod N. Patil for the petitioners

Mr. G. N. Salunkhe i/b. Umesh Kurund for the respondent No.6.

Mrs. Vaishali Nimbalkar, AGP for respondent Nos.1 to 5.

CORAM : K. K. TATED, J.

DATE : OCTOBER 26, 2016

PC.:

1. Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 28.08.2015 passed by respondent No.1 allowing the revision filed by respondent No.6 Dhanraj Appasaheb Dure Patil, Chairman of Uddhavrao Patil Dudh Utpadak Sanstha Ltd.

2. The main grievance of the petitioner is that the petitioner and others filed complaint to the Collector, Solapur in respect of the ration shop which was allotted to respondent No.6. He submits that on the basis of the complaint filed by the petitioner and other complainants, the learned District Supply Officer, Solapur passed order dated 07.08.2014 and cancelled the license which was issued in favour of respondent No.6 in respect of the fair price ration shop. The said order was challenged by respondent No.6 by filing revision application No.333 before respondent No.1.

3. The counsel for the petitioner submits that respondent No.6, without joining the petitioner and other complainants moved before respondent No.1 for setting aside the order dated 07.08.2014 passed by the District Supply Officer, Solapur. He submits that the respondent No.1 allowed the revision filed by respondent No.6 without directing them to join the complainants as party respondents. He submits that without hearing the main complainant, the impugned order was passed by respondent No.1. Hence, they preferred the Writ Petition for setting aside the order dated 28.08.2014 and for direction to the respondent No.6 to join them as party in that revision application. They submit that if Writ Petition is not allowed, irreparable loss will be caused to the petitioner because their grievance will remain as it is.

4. On the other hand, the learned counsel for respondent no.6 submits that by the impugned order dated 28.08.2014, the authority allowed the petitioner to start their ration shop and as on today they are conducting the same. He further submits that the respondents have no objection to join the petitioner as well as other complainants in revision application No.333 and matter to be re-heard on merits.

5. Considering the fact that in proceedings before respondent No.1, the respondent No.6 failed to join the petitioner as well as other complainants as party respondents, I am satisfied that the petitioner has made out a case for remanding the matter before respondent No.1 for hearing on merits after joining the petitioner as well as the complainants.

6. Hence, following order is passed:
- a. Order dated 28.08.2014 passed by respondent No.1 in Revision No.333 is set aside and the matter is remanded for re-hearing on merits.
 - b. Respondent No.6 is directed to join the petitioner as well as other complainants in Revision No.333 as respondents and serve a copy on them.
 - c. The respondent No.1 is directed to decide the matter on merits after hearing all the parties.
 - d. In the meantime, the ration shop which is allotted to respondent No.6 and which is functioning as on today, to continue the same till decision of revision No.333.
 - e. The respondent No.6 is directed to carry out amendment in the revision No.333 on or before 30.11.2016 and serve copies on added respondents.
 - f. With these directions, Writ Petition stands disposed of.

JUDGE