

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

**WRIT PETITION NO.8649 OF 2016**

Sanjeev s/o. Vithalrao Bhaware,  
Age 45 years, Occ. Ration Shop,  
r/o. Ghoti, Tq. Kinwat,  
Dist.Nanded ..Petitioner

Vs.

The State of Maharashtra  
and others ..Respondents

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Mr.Shaikh Mohd. Ibrahim Ismail, Advocate for  
petitioner

Mr.A.R.Kale, AGP for respondent nos.1 to 4

Mr.P.B.Rakhunde, Advocate for respondent no.5

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**CORAM : T.V. NALAWADE AND  
SANGITRAO S. PATIL, JJ.**

**DATE : MARCH 06, 2017**

**ORAL ORDER :**

Heard.

2. This petition is filed for giving  
directions to respondent no.3 – District Supply  
Officer not to release the monthly quota of fair  
price shop of respondent no.5.

3. It appears that in the past, a license to  
run fair-price shop was issued in favour of

respondent no.5 – Madhukar Ramchandra Kosale. There were serious allegations against him and therefore, the State had filed R.C.S. No.135 of 1996 against him. It was alleged that false record was created by him and Government money was misappropriated. In that case, he came to be acquitted on 18.02.2012.

4. It appears that respondent no.3 – District Supply Officer on 14.08.2015, made an order to restore the license in favour of respondent no.5. This order was challenged by filing proceedings before the appellate authority i.e. Deputy Commissioner (Supply), Aurangabad. The said proceedings was allowed and the matter was remanded back.

5. It appears that the Deputy Commissioner (Supply) did not set aside the specific order made by respondent no.3 – District Supply Officer restoring the license in favour of respondent

no.5. Due to that order, the license came to be restored in favour of respondent no.5 and the monthly quota is being released in his favour to the extent of 50% and the remaining quota is being released in favour of the petitioner. As the matter is remanded back, respondent no.3 – District Supply Officer is expected to take decision on the same.

6. In view of the aforesaid circumstances, this Court holds that it is not possible to direct respondent no.3 to stop the monthly quota of fair-price shop of respondent no.5. Respondent no.3 – District Supply Officer shall take decision in the matter within a period of one month from the date of this order.

7. The Writ Petition stands disposed of accordingly.

**[SANGITRAO S. PATIL, J.]**

kbp

**[T.V. NALAWADE, J.]**