

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10086 OF 2016

BALIRAM VENKATRAO SHINDE YELOORKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Deshmukh Sachin S.
AGP for Respondents 1 & 2 :
Advocate for Respondent 3 : Smt. Kulkarni M.A.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 19, 2017
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PER COURT :-

1. The petitioners are aggrieved by the order dated 19.9.2016 passed by the Deputy Commissioner (Supply), Aurangabad, thereby, directing respondent No.1 - District Supply Officer, Nanded to re-hear the matter in the light of the guidelines issued by the State Government, vide Government Resolution dated 12.11.1991. However, while doing so, the quota of respondent No.4 to operate the fair price shop under the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 and the Maharashtra Kerosene Order, 1966 has been restored.

2. By order dated 1.10.2016, passed by this Court, the State was directed to make arrangements for the benefit of the card holders during the pendency of this petition.

3. In similar set of circumstances, this Court, by order dated 13.6.2017 in Writ Petition No. 10980 of 2016 (Shekhar Dattatray Pagare Vs. State of Maharashtra), has set aside a similar order of the said authority. However, the District Supply Officer has been directed to conduct the enquiry in accordance with the procedure and the guidelines set out in the Government Resolution dated 12.11.1991.

4. Learned counsel for respondent No.3 whose shop and license is affected, submits that though the enquiry has been recommenced by respondent No.1 / DSO, it is not proceeding and respondent No.3 is deprived of operating the shop. It is, therefore, stated that if a time frame is granted, respondent No.1 can decide the issue expeditiously. Learned AGP appearing for the State authorities submit that if the litigating sides appear before respondent No.1 on a given date, the proceedings could be completed within three months.

5. Considering the request made as above, this petition is disposed off with the following directions:-

(A) The impugned order passed by the Deputy Director (Supply), Aurangabad dated 19.9.2016 is set aside only to the extent of Clauses (3) and (5) of the operative part of the

order, by which, supply to respondent No.3 shop was ordered and which has been stayed by this Court.

(B) The directions in Clauses (1), (2) and (4) are maintained.

(C) The litigating sides shall appear before respondent No.1 on 1.7.2017 at 3.00 pm and shall, thereafter, abide by the dates on which the matter is posted for hearing.

(D) All the litigants are at liberty to tender written submissions on record.

(E) Respondent No.3 shall produce all such documents as ordered by respondent No.1 in order to facilitate proper adjudication of the matter.

(F) Respondent No.1 shall decide the said proceedings as expeditiously as possible and preferably on/or before 29.9.2017 and communicate the order to the respective sides.

(RAVINDRA V. GHUGE, J.)

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