

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

926 WRIT PETITION NO. 11711 OF 2016

MURLIDHAR PANDIT GHAVANE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mr.A.A. Shelke h/f Mr. P.D. Suryawanshi, Advocate for Petitioners.
Mr. P.K. Lakhotiya, A.G.P. for Respondent Nos. 1 to 5/State.
Mr. V.D. Sapkal h/f Mr. Sayyad Tauseef Yaseen, Advocate for
Respondent No.6.

.....

**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st DECEMBER, 2017.**

PER COURT:-

1. By this petition, the petitioner has put-forth five prayer clauses (A) to (E) which are as under:

- “(A) The record and proceedings may please be called for;
- (B) The Writ Petition may please be allowed with costs;
- (C) By issuing appropriate writ or orders in the like nature of writ of certiorari, the order dated 27.10.2016 passed by respondent no.4 Exhibit-K may please be quashed and set aside.
- (D) Pending hearing and final disposal of writ petition, the order dated 27.10.2016 passed by respondent no.4 Exhibit-K may please be stayed in the interest of justice.
- (E) Any other relief which this Hon'ble Court deems fit may please be granted in favour of the petitioners.”

2. I have heard the learned Advocate for the petitioners, the learned A.G.P. and the learned Advocate for respondent no.6 for quite some time.

3. I have considered the entire material shown to the Court which is a part of the petition paper book running into about 441 pages.

4. The learned counsel for the petitioners specifically submits, during the course of his submissions that the impugned order dated 27.10.2016 passed by the District Supply Officer, (Respondent No.4) be quashed and set aside.

5. Two affidavits in reply have been filed by the District Collector, Beed indicating the steps taken by him for causing a further inquiry. It is stated that there are certain lapses on the part of Respondent No.6 while operating the fair price shop and he has been penalized by the District Supplies Officer by the impugned order.

6. The learned Division Bench of this Court, by order dated 23.03.2017 in the matter of Krushna Dnyandev Mhaske Vs. The State of Maharashtra and Others in Writ Petition No. 2888 of 2017, has considered a similar issue in which the petitioner had prayed for an inquiry against the license holder of the fair price shop and for further directions to cancel the license. This Court has concluded in Paragraphs Nos. 1 to 5 of the order dated 23.03.2017 as under:

“1. The petitioner assails the order passed by the District Supply Officer thereby revoking the order cancelling the license of the respondent No. 3.

2. The learned counsel submits that, enquiry needs to be directed against the respondent Nos. 2 and 3, as majority of the card holders have deposed against the respondent No. 3, still the license of the respondent No. 3 is restored.
 3. The learned Assistant Government Pleader submits that, the petitioner is having alternate remedy in law.
 4. If an order is passed by exercising *quasi judicial* powers, it would not be necessary to direct an enquiry.
 5. The petitioner may assail the order passed as may be permissible in law. The writ petition is disposed of. No costs."
7. Since all contentions of the petitioner can be a subject matter of scrutiny by the Additional Commissioner, Civil Supplies in accordance with the provisions of the Essential Commodities Act, 1955, the petitioner will have to challenge the order dated 27.10.2016 by specifically moving a Revision Petition before the said Authority. This Court, while exercising supervisory jurisdiction and in the face of a statutory remedy available and beyond which a further revision before the State Government is available, cannot venture into directing an inquiry against the respondent No.6 when the impugned order dated 27.10.2016 will have to be challenged before the appropriate forum.

8. In the light of above, this petition is dismissed. The remedy of challenging the impugned order dated 27.10.2016 being available in law, can be resorted to by the petitioner. The times spent by the petitioner in this Court from 14.11.2016 till the passing of this order today shall be a good ground for condonation of delay, if any.

9. The learned counsel for the Petitioner prays, at this stage, that the interim order passed by this Court may be continued only for two weeks, so that he would file a Revision Petition before the Divisional Commissioner, Civil Supplies, Aurangabad and point out the misdeeds of respondent No.6. The learned counsel for the respondent No.6 has strenuously opposed the said request. Since the interim relief was granted on 28.11.2016, the same is continued for a period of only two weeks from today.

10. It is made clear that, the Additional Divisional Commissioner, Civil Supplies, while considering the Revision Petition of the petitioner, may pass appropriate orders strictly on the merits of the dispute and the grant of interim relief by this Court will not be a ground to continue the said relief automatically.

(RAVINDRA V. GHUGE, J.)