

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 8693 OF 2003

The Chairman, Vividhkaryakari Vikas	)...	Petitioner.
Seva Sahakari Sanstha, Andewadi (Bk.)	)	
Tal. Akkalkot, Dist. Solapur	)	

V/s.

- | | | |
|---|------|--------------|
| 1. The District Supply Officer, |) | |
| Solapur Dist., Solapur. |) | |
| |) | |
| 2. The Deputy Commissioner (Supply), |) | |
| Pune Division, Pune. |) | |
| |) | |
| 3. The Minister for Food, Civil Supplies |) | |
| & Consumer Protection, Maharashtra |) | |
| State, Mantralaya, Mumbai -32. |) | |
| |) | |
| 4. Shri Bhimsha Ravappa Yelmali, |) | |
| Adult, Occ. Agriculturist, R/o. Andewadi, |) | |
| Tal. Akkalkot, Dist. Solapur. |) | |
| |) | |
| 5. Shri Revanshidh Bhimsha Pujari, |)... | Respondents. |
| Adult, Occ. Agriculturist, R/o. Andewadi, |) | |
| Tal. Akkalkot, Dist. Solapur. |) | |

Mr. S. G. Kudle, Advocate for the Petitioner.

Ms. R. A. Salunkhe, AGP for the State - Respondents.

**CORAM : NARESH H. PATIL AND
SMT. BHARATI H. DANGRE,JJ.**

DATE : 15th JUNE, 2017

ORAL JUDGMENT : (PER NARESH H. PATIL, J.)

1 A license to run ration shop at village Andewadi. Tal. Akkalkot, Dist. Solapur, was sanctioned to the Chairman, Vikas Karya Seva Sahakari Society, Andewadi, the Petitioner herein. The said ration shop was inspected by the concerned officer on 24.03.2003, who noticed following inconsistencies :

- 1) Foodgrains specimens were not kept.
- 2) Card Holders are not issued receipts.
- 3) Signature/thumb impression of the card holders is not taken on the receipts.
- 4) There is no Board mentioning thereon that complaint book is available.
- 5) There is no board displaying rates of items sold, nor is there Board displaying stocks.
- 6) Register of announcement is not kept.
- 7) The Fair Price shop is not regularly opened at the fixed time.
- 8) No remarks such as “Current” “Closed” are put on the receipt book.
- 9) Permit is not made available for inspection.

10) The Card Holders have made written complaints about the Fair Price shop to the effect that they have not received goods/items on time, receipts are not given, card holders have to listen to rude talks, foodgrains are not distributed as per the rules but same is done at will, the shop is kept open only on two to three days in a month.

2 The Petitioners were served with the notice and were called upon to submit their explanation. The Chairman of the then managing committee of the Society submitted the explanation. The Society could not explain the deficiencies pointed out by the concerned government officer.

3 By an order dated 20th May, 2003, the District Supply Officer, Solapur, forfeited the deposits kept by the Society and credited the same with the Government. The authorization of the fair price shop of the petitioner was cancelled.

4 The Petitioner Society preferred a revision application to Deputy Commissioner (Supply), Pune Division, Pune. By judgment and order dated 15.07.2003, the revision application came to be rejected by the Dy. Commissioner.

5 The proceedings were initiated before the Hon'ble Minister for Food, Civil Supplies & Consumer Protection, State of Maharashtra. The Hon'ble Minister by order dated 05.11.2003 dismissed the revision application of the Petitioner Society. Against this order, the present petition is filed.

6 On behalf of the Respondent-State, Naib Tahasildar Akkalkot, District Solapur filed an affidavit-in-reply. In paras 7 and 9 thereof, the deponent stated as under :

“7. I say that the Petitioner, Society has replied to the said show cause notice duly signed by one Mr. Patil B.I., Chairman of the Petitioner, Society on 8-4-2003 and which was submitted to District Supply Officer on 28-4-2003. I say that in the said Reply dated 8-4-2003 duly signed by the Chairman of the Petitioner, Society, the Society has admitted the deficiencies and irregularities noticed by the Taluka Supply Inspector and prayed for pardon.

9. I say that the Petitioner, Society is not fit to run the fair price shop because the several deficiencies and irregularities were found in the functioning of the petitioner, society's fair price shop, which were detected upon the complaints of several card

holders. Therefore, the action was required to be taken at the instance the complaint made by the several ration card holders. Accordingly, the said action was taken as per the Government policy. I say that there is a policy contained in Circular No.PDS/1002/1316/Case No.984/CS-28 dated 1-2-2003. Hereto annexed and marked as Exhibit “5” is the copy of the said Circular dated 1-2-2003. I say that all the authorities i.e. Taluka Supply Inspector, Akkalkot, Tahasildar, Akkalkot, District Supply Officer, Solapur and Deputy Commissioner (Supply), Pune Region, Pune ascertained and found that the Petitioner, Society is not entitled to run the authorised fair price shop in view of the several deficiencies and irregularities found in the physical and actual inspection taken by the concerned Taluka Supply Inspector, Akkalkot by visiting the fair price shop of the petitioner, society and by recording the statement of the card holders in view of the severe complaints made by the ration card holders.”

7 The learned counsel for the petitioners submitted that thereafter a new Managing Committee assumed charge and has been looking after the functioning of the ration shops. They have not committed any defaults nor repeated the mistakes committed by the earlier Managing Committee. It is

the petitioner's case that the action initiated against its Society was politically motivated.

8 The learned counsel for the petitioner submitted that by an order dated 08.12.2003 passed by the Division Bench of this Court, a notice was issued to the respondents and the interim stay granted by the revisional authority was continued. In the meanwhile, this petition was admitted by the Division Bench of this court vide order dated 22.03.2004 and the interim order granted earlier was continued. The learned counsel submitted that the petitioner is running the fair price shop in accordance with the policy and the guidelines laid down in that behalf.

9 The learned AGP submitted that the petitioner had failed to convince the authorities. No case is made out by the petitioner for causing interference by this court in the writ jurisdiction. Learned AGP prayed for dismissal of the petition.

10 We have heard both the sides and perused the record placed before us. The Petition was admitted and the interim relief was granted, meaning thereby that the petitioners were allowed to continue to run the ration shop. The learned counsel appearing for the petitioners submits that since last many years, the petitioners are running the fair price shop and

that no deficiencies were pointed out in the functioning of the ration shop.

11 The petitioners assured that they would conduct the fair price shop in a fair and transparent manner without flouting the prescribed Rules and Regulations made in that behalf.

12 From the record, it is noticed that the several deficiencies were pointed out when the earlier Managing Committee was in-charge of running the fair price shop. The petitioners have fairly admitted that some mistakes had taken place while the earlier Managing Committee was running the ration shop, but assure that in future such mistakes will not be repeated.

13 We have also taken into consideration the welfare of the villagers, as under the impugned order it is informed to us that the petitioners were running the fair price shop even now.

14 We observe that the District Supply Officer would be entitled to take appropriate action if it is noticed that if any violation of the prescribed rules and regulations is noticed in the petitioner's conduct in running the ration shop.

15 Taking into consideration over all facts and circumstances of the case and the order passed by the Division Bench of this court in the identical petition being writ petition no. 8703 of 2003 dated 17th June,2004, this writ petition deserves to be allowed.

16 For the reasons stated above, the impugned order is quashed and set aside.

17 The Petition is allowed. Rule is made absolute in the above terms.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)

.....