

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

WRIT PETITION NO.6759 OF 2014

Kapila Mahila Bachat Gat

Through Chairman

Smt. Kalpana Laxman Chavan

: Petitioner.

versus

The State of Maharashtra and ors.

: Respondents.

Mr. M A Patil i/by Mrs. Suman Y Lengare for the Petitioner.

Mr. S D Rayrikar AGP for the Respondent Nos.1 to 5.

Mr. S S Aradhya for the Respondent No.6.

CORAM : R. M. SAVANT, J.

DATE : 15th February 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 24/06/2014 passed by the Hon'ble Minister for Food, Civil Supplies and Consumer Protection Department, Mumbai by which order the Revision Application filed by the Respondent No.6 herein came to be allowed and resultantly the letter dated 25/01/2014 issued by the District Supply Officer, Solapur intimating the Respondent No.6 that there is a remedy by way of an Appeal came to be set aside and direction to the District Supply Officer to issue a allotment letter in favour of the Respondent No.6 came to be issued amongst the other directions which are contained in the operative part of the impugned order.

2 The said order dated 24/06/2014 is challenged on the ground that

the Revision Application was not maintainable as the Respondent No.6 was calling in question the marking system which was adopted for considering the competing claims of the parties for allotment of the fair price shop. It is also the case of the Petitioner that no notice of hearing that took place before the Revisionary Authority was issued to the Petitioner and therefore the order has been passed by the Revisionary Authority in the absence of the Petitioner and without hearing the Petitioner.

3 The learned counsel appearing for the Respondent No.6 Shri Aradhye fairly states that though it is recorded in the order that the Petitioner had appeared, in fact, the Petitioner was unrepresented when the Revision Application was heard. The learned counsel Shri Aradhye on instructions of the Respondent No.6 is agreeable to the impugned order dated 24/06/2014 being set aside and the matter being relegated back to the Revisionary Authority for a de-novo consideration.

4 In view of the aforesaid statement made by the learned counsel for the Respondent No.6 Shri Aradhye, the following directions are issued :-

A] The order dated 24/06/2014 is set aside by consent of the parties, and the Revision Application is relegated back to the Revisionary Authority for a de-novo consideration of the same.

- B] The matter is remanded back to the Revisionary Authority in view of the consensus between the parties. The remand should not be construed as any expression of opinion of this Court entitling the Revisionary Authority to exercise the Revisionary Jurisdiction in matters where no revision would lie in terms of the applicable Food Grains Rationing Order.
- C] The contentions of the parties are kept open for being urged before the Revisionary Authority.
- D] The parties to appear before the Revisionary Authority on 28/02/2017. The Revisionary Authority may thereafter decided the proceedings latest by 30/04/2017.
- E] With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]