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

WRIT PETITION NO.6954 OF 2014

Sarojini Sakhi Mahila Bachat Gat	... Petitioner
vs.	
State of Maharashtra & Ors.	...Respondents

Ms. Anjali Helekar i/b. Mr. Balkrishna D. Joshi for the petitioner.
Mr. Manish M. Pabale, AGP, for the respondent nos.1 to 5.
Mr. Sarang S. Aradhye for the respondent no.6.

**CORAM : A.S.OKA, &
A. K. MENON, JJ.**

DATE : 3RD MAY, 2017

P.C.

1. Rule. The learned AGP waives service for the respondent nos.1, 2, 3, 4 and 5. The learned counsel for the respondent no.6 waives service. Considering the controversy involved, the service of Rule to the respondent no.7 is not necessary. Forthwith taken up for final disposal.
2. By this petition under Article 226 of the Constitution of India, the petitioner has taken an exception to the order dated 14th June, 2014 passed by the Hon'ble Minister of India (Food, Civil Supplies and Consumer Protection) of the State of Maharashtra on a Revision Application preferred by the respondent no.6.
3. On the basis of a notification published by the State Government, the petitioner applied for grant of authorization to run a fair price

shop. There were six applications made in the category of “Mahila Bachat Gats”. According to the case of the petitioner, the respondent no.5 recommended grant of authorization to the petitioner and an order was passed by the District Supply Officer, Solapur on 21st February, 2014. The said order records that except for the petitioner and the respondent no.6, no other applicant was present in the meeting of the District Level Selection Committee. By the said order, the District Supply Officer directed that an authorization to run the fair price shop be issued to the petitioner.

4. The respondent no.6 by filing a Revision Application purported to invoke powers of the State Government under clause 24 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975 (for short “the said order”). By the impugned order dated 14th June, 2014 the Hon'ble Minister proceeded to set aside the order dated 21st February, 2014. A direction was issued to publish a fresh proclamation for allotment of fair price shop for the category of “Mahila Bachat Gats.”
5. The first submission of the learned counsel for the petitioner is that under clause 24 of the said order, the Revision Application was maintainable before the Commissioner and not before the State Government. Secondly, the submission is that the petitioner

was not given an opportunity of being heard by the Hon'ble Minister. The learned AGP supported the impugned order. The learned counsel appearing for the respondent no.6 relied upon the proviso to clause 24 which lays down that even against the order of the Collector, the State Government can exercise power of entertaining a Suo Motu Revision Application. He submitted that the power exercised by the Hon'ble Minister is under the first proviso to clause 24 of the said order.

6. Careful perusal of the impugned order shows that it is not recorded therein that suo motu power of Revision was exercised. On the basis of the Revision Application filed by the respondent no.6, there is nothing on record to show that a notice was issued to the petitioner. Therefore, the impugned order is passed in breach of principles of natural justice inasmuch as by the impugned order, the order of the respondent no.5 dated 21st February, 2014 in favour of the petitioner has been set aside. Therefore, only on the ground of the breach of principles of natural justice that the impugned order will have to be set aside while keeping the issue of maintainability of the Revision Application is expressly open.
7. Accordingly, we pass the following order:-
 - (i) The impugned order dated 14th June, 2014 passed by the

Revisional Authority is hereby quashed and set aside and the Revision Application preferred by the respondent no.6 is remanded to the Revisional Authority;

(ii) We direct the petitioner and the respondent no.6 to remain present in the office of the Revisional Authority on 6th June, 2017 at 3.00 p.m. for fixing the date for hearing of the Revision Application;

(iii) The Revisional Authority shall issue a notice to all the other concerned parties. The Revisional Authority shall decide the Revision Application as expeditiously as possible;

(iv) The issue of maintainability of the Revision Application is expressly kept open.

(v) Rule is made partly absolute on above terms.

(A. K. MENON, J.)

(A. S. OKA, J.)