

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4708 OF 2008

[Smt. Shantabai Shankarrao Ingle .vs. Hon'ble Minister (Food, Civil Supply and Consumer Protection), Mantralaya, Mumbai and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.S. Patil, Advocate for petitioner,
Shri Bhagwan M. Lonare, AGP for respondents.

CORAM : KUM. INDIRA JAIN, J.

DATED : JULY 07, 2017.

This petition takes an exception to the order dated 22.7.2008 passed by respondent no.1 in Case No.V.A.A.-1305/1344/CS-594/CS-23 thereby rejecting revision application preferred by petitioner against the order dated 5.10.2005 passed by Deputy Commissioner (Supply), Amravati upholding the cancellation of authorization by District Supply Officer vide order dated 27.7.2005.

Few facts relevant for decision of this writ petition may be stated as under :

Petitioner was running a fair price shop at village Zolamba in Tahsil-Warud, District-Amravati. On 18.12.2004, Inspecting Officer visited the shop of petitioner. On inspection, notice was issued to petitioner on 20.6.2005. Petitioner submitted her response to the notice on 28.6.2005. As her reply was not found satisfactory, inquiry was initiated. During inquiry, statements of five card holders came to be recorded. On 24.5.2005, Inspecting Officer submitted the report to District Supply Officer. Vide

order dated 27.7.2005, respondent no.2-District Supply Officer having found substance in the inquiry report, cancelled the authorization of petitioner to run a fair price shop.

Petitioner challenged the order of cancellation of authorization in revision before the Deputy Commissioner, Amravati. Revision was rejected, vide order dated 5.10.2005. Against the order of revision, she preferred an appeal before the State under clause 24 of the Maharashtra Scheduled Commodities (Regulation of Distribution) Order, 1975. Appeal was dismissed by respondent no.1 on 22.7.2008. Being aggrieved thereof, petitioner has invoked the extra ordinary jurisdiction of this court by filing the present writ petition.

It can be seen from the order passed by the Deputy Commissioner that reasons to uphold the cancellation of authorization of petitioner has not been recorded in entire order. The submissions advanced by the parties have been referred and in the last paragraph of the order, it is stated that on the basis of arguments and considering the report of District Supply Officer, cancellation of authorization was proper and no interference was required. From these observations, it cannot be said that proper reasonings have been recorded by the Deputy Commissioner for arriving at the conclusion that the order passed by the District Supply Officer was legal and proper. For want of proper and legal reasons, the order passed by the Deputy Commissioner

needs to be set aside and the matter is to be remanded back for fresh decision on the revision of the petitioner.

On this short ground and without going into the merits further, this court is inclined to interfere in the writ jurisdiction. Hence, the following order :

O R D E R

- (i) Writ Petition No.4708/2008 is partly allowed.
- (ii) Impugned orders passed by respondent no.1 on 22.7.2008 and respondent no.2 on 5.10.2005 are quashed and set aside.
- (iii) Revision No.C.S.S.-20/Zolamba/2005-06 is remanded to the Deputy Commissioner (Supply), Amravati Division, Amravati for fresh decision in accordance with the law within a period of three months.
- (iv) Parties to appear before respondent no.2 on 24.7.2017.
- (v) Rule is made absolute in above terms.
- (vi) No order to costs.

JUDGE