

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.533 OF 2000
(Hiraman Kalu Pawar Vs. The State of Maharashtra and others)
WITH
WRIT PETITION NO.534 OF 2000

Ms.S.P.Mahajan, Advocate for the petitioner.
Mr.P.N.Kutti, AGP for respondent Nos. 1 to 4.
Mr.C.C.Deshpande h/f Mr.C.R.Deshpande, Advocate for respondent No.6.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 25/10/2018

PER COURT :

1. In both these matters, the then Hon'ble Minister for State, Food and Civil Supplies, has restored the licenses of the fair price shops despite recording that grave and serious charges were levelled against the license holders and offences have been registered with the concerned police stations.

2. I have considered the submissions of the learned Advocates for the respective sides and the learned AGP. Though I do not agree with the cryptic and unreasoned conclusions arrived at by the then Minister while restoring the licenses, this Court had admitted these petitions on 18/09/2001 and 03/06/2003 filed by the original complainant. No interim relief was granted. Consequentially, the license holder continued to operate the shops for the past about 19

years.

3. Learned Advocate appearing for the license holders submits that the court of criminal jurisdiction delivered its common judgment on 17/03/2010 and these license holders have been acquitted of the charges levelled against them u/s 409, 467, 468 and 471 of the IPC and Section 3 and 7 under the Essential Commodities Act. Learned Advocate for the petitioners submits that these license holders were acquitted in view of the witnesses of the prosecution turning hostile.

4. Considering the fact that these license holders are operating the shops for the last 19 years, I find it appropriate to give a quietus to the proceeding with liberty to the petitioners to proceed against the license holders in the event they or any card holder has a grievance against such fair price shops.

5. With the above liberty, both these petitions are disposed of. Rule is discharged.

(Ravindra V.Ghuge, J.)