

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9275 OF 2017

ANANTA ACHUTRAO KADAM AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioners : Shri Kadam Vishant P.

AGP for Respondent 1 : Shri S.K.Tambe.

Advocate for Respondent 2 : Shri Mahesh P. Kale.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th August, 2018

Per Court:

1 The Petitioners, who claim to be the original complainants, are aggrieved by the order of the Deputy Commissioner (Supply), Aurangabad dated 18.03.2017. They were not arrayed as the respondents and the proceedings were considered without their participation.

2 The learned Advocate for the Petitioners makes a further grievance that the Government Resolution dated 12.11.1991 does not contemplate an enquiry after the suspension of the licence.

3 The learned AGP and the learned Advocate for Respondent No.2 submit that the suspension precedes the final order and for that purpose, an enquiry is necessary.

4 Since the Petitioners have an alternate remedy of approaching

the State Government for challenging the impugned order in view of clause 24 of the Maharashtra Scheduled Commodities (Regulation and Distribution) Order issued by the Food, Civil Supplies and Consumer Protection Department, State of Maharashtra, the Petitioners would be at liberty to lodge an appropriate proceeding within four weeks from today. All contentions of the litigating sides are kept open to be considered.

5 The time spent by the Petitioners in this Court from 11.07.2017 till the passing of this order would be a ground to be considered for condonation of delay, if any.

6 The parties are at liberty to request the State Government for the expeditious disposal of the proceedings.

7 With these observations, this Writ Petition is disposed of.

kps

(RAVINDRA V. GHUGE, J.)