

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13543 OF 2018

SURESH JANARDHAN PATHADE AND OTHERS
VERSUS
THE DEPUTY COMMISSIONER SUPPLY AURANGABAD AND
OTHERS

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Advocate for Petitioners : Mr. Dighe Pravin S
AGP for Respondents-State authorities: Mrs. Vaishali Patil-Jadhav
Advocate for Respondent No.2 : Mr. S.S. Thombre

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CORAM : N. M. JAMDAR, J.
DATED : 6 DECEMBER 2018

PER COURT:-

1. By this petition, the petitioner has challenged the order dated 28 November 2018 passed by the Deputy Commissioner (Supply), Aurangabad, thereby refusing to grant stay to the order passed on 26 November 2018. By order dated 26 November 2018, the District Supply Officer, Aurangabad has restored the licence of the respondent No.4. The petitioner has filed revision application No. 132 of 2018 before the Deputy Commissioner (Supply), Aurangabad. In the said revision application an application filed for stay has been rejected.

2. It is informed that in the impugned order itself, the revisional authority i.e. Deputy Commissioner (Supply) states that the revision would be taken up for hearing on 3 December 2018.

3. The learned Assistant Government Pleader, on instructions, states that now the hearing is kept on 10 December 2018 and if the parties cooperate, the revision can be disposed of finally, within a period of 15 days.

4. In this circumstance, since the order is in favour of the respondent No.4 at present, it will be appropriate that the revision itself is heard on priority basis.

5. Accordingly, the writ petition is disposed of by directing the Deputy Commissioner (Supply), Aurangabad, before whom the revision is pending, to decide the revision within a period of 15 days from 10 December 2018.

6. Both the parties will appear before the Revisional authority on 10 December 2018 and cooperate with the revisional authority in disposal of the revision.

7. In case the shop of the respondent commenced in pursuance to the impugned order, it will be subject to the outcome of the revision and no equity will be claimed by the respondent No.4.

8. Writ petition is accordingly disposed of.

9. All contentions of the parties are kept open.

(N. M. JAMDAR, J.)

rlj/