

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1386 OF 2018

YASIN MASOOM PINJARI
VERSUS
VIJAY VITTHAL PARDESHI AND ANOTHER

Advocate for Petitioner : Shri G.R. Syed.
AGP for Respondent No. 2 : Shri V.S. Badakh.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th February, 2018

PER COURT :

1. The petitioner is aggrieved by the order dated 07/12/2007, passed by the District Supply Officer, Dhule, in Appeal No. 02/2007, the order passed by the Deputy Commissioner (Supply), Nashik dated 05/12/2008 and the order of the Hon'ble Minister dated 20/08/2016.

2. I have considered the strenuous submissions of the learned counsel for the petitioner and the learned AGP on behalf of respondent No. 2.

3. There is no dispute that the D.S.O. had earlier suspended the license of respondent No. 1 for having indulged in misdeeds and in order to ensure that the card holders are not made to suffer, the petitioner was granted a license to operate the fair price shop at

village Hisale, Taluka Shirpur, District Dhule, by order dated 08/12/1997.

4. Subsequently, as the license of respondent No. 1 was restored and the order of suspension of his license was revoked, the said shop was restored to respondent No. 1 and the license of the petitioner was canceled on 28/09/1998. He then, approached the Deputy Commissioner (Supply), Nashik, since the said remedy was available to him under the order of this Court in Writ Petition No. 4720/1998, which was disposed of. Finally, by the order of the Deputy Commissioner (Supply), dated 05/12/2008, the petitioner's appeal was rejected. His revision before the Hon'ble Minister was also rejected on 20/08/2016.

5. Considering the submissions of the petitioner that the petitioner was granted the license after respondent No. 1 lost his license, would indicate that if the license of respondent No. 1 is restored and the fair price shop is restarted due to such restoration, naturally, the petitioner's license had to be revoked as he had acquired the said license by way of a stop gap arrangement and only because the earlier shop operated by respondent No. 1 had to be closed down as his license was suspended.

6. It is contended that the license of respondent No.1 was again suspended in the year 2009 and therefore, the petitioner gets a right for the restoration of his license. I do not find that the said submission could be entertained as further details, as to whether the license of respondent No. 1 has been canceled or whether the suspension has been revoked, is not a ground that is raised before me.

7. In my view, keeping the above submissions of the petitioner in focus, I do not think that the petitioners license could be restored even after the license of respondent No. 1 was restored and he had commenced his fair price shop. This petition being devoid of merit, is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)