

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.12173 OF 2016

Janardhan Kisan Dhoke .. Petitioner
Vs.
The State of Maharashtra & Anr. .. Respondents

Mr.S.P. Kanuga i/by Ms.Sapna Nath for the petitioner.
Mr.S.H.Kankal, AGP for the respondent nos.1 & 2 -State.

***CORAM : R.D. DHANUKA, J.
DATE : 17th January 2018***

P.C.:

. It is not in dispute that the impugned order passed by the Deputy Controller, Rationing, 'F' Zone, Thane on 22nd March 2016 was passed without issuing any show cause notice and without rendering an opportunity of being heard to the petitioner.

2. Learned AGP for the respondent nos.1 & 2 states that the Deputy Controller, Rationing would issue a show cause notice to the petitioner and would render an opportunity of being heard and also to file a reply to the show cause notice and also pass a fresh order after complying with the principle of natural justice.

3. Both the orders impugned in this petition dated 22nd March 2016 and 5th July 2016 are accordingly quashed and set aside. The Deputy Controller, Rationing, 'F' Zone, Thane is directed to issue a show cause notice to the petitioner calling upon him to show cause as to why the authorisation for running a ration shop shall not be suspended.

4. Show cause notice shall be issued within one week from today. Reply to the said show cause notice shall be filed within two weeks from the date of service of the show cause notice. The Deputy Controller, Rationing shall hear the petitioner personally or through his representative and shall pass an appropriate order within six weeks from the date of conclusion of hearing. The Deputy Controller, Rationing shall pass an order afresh without being influenced by the reasons recorded and the conclusion drawn in the impugned order and in accordance with law.

5. Till the issue is decided by the Deputy Controller, Rationing, the petitioner is not allowed to run the ration shop. If the directions issued by this Court is not complied with by the Deputy Controller, Rationing within the time prescribed, the petitioner would be at liberty to apply for restoration of authorisation before this Court by filing an application. The petitioner is directed to co-operate with the Deputy Controller, Rationing in expeditious disposal of the show cause notice. Parties as well as the Deputy Controller, Rationing to act on the authenticated copy of this order.

6. Writ petition is disposed of in aforesaid terms. No order as to costs.

R.D. DHANUKA, J.