

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10086 OF 2013

Shree Someshwar Sahakari Sakhar
Karkhana Ltd.

..Petitioner.

Versus

District Collector, Satara & Others.

..Respondents.

Mr. Amol Gatne i/b Mr. S. B. Deshmukh for the Petitioner.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Mr. Anil Karande, Asstt. District Supply Officer is present.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 13, 2018.**

P. C. :

1. The petition is filed challenging the communication dated 18th October 2013 issued by the District Supply Officer to the Tahsildar, Baramati. By the said communication, the Tahsildar, Baramati is directed to take action against the Petitioner under section 7 of the Essential Commodities Act, 1955 for failure to make available 2688 quintals of sugar for distribution to Satara district. The said communication is challenged mainly on the ground that the same is issued without giving notice to the Petitioner and without following the principles of natural justice.

2. On 24th October 2013, the petition was placed for admission. On that day, after hearing learned Counsel for the

Petitioner and learned AGP for the Respondent-State, this Court passed following order.

"Grievance of the Petitioner is that by an order dated 18.10.2013, the Collector, Satara had directed the Collector, Pune to give notice to the Petitioner-Society and after giving them an opportunity to give explanation, thereafter pass the order. It is submitted that without issuing any notice, the impugned order directing prosecution of the Petitioner has been passed.

2. *In view of this, there shall be ad-interim relief in terms of prayer clause (c)."*

3. In the light of above, learned AGP fairly conceded that impugned communication cannot be sustained as principles of natural justice are not followed. She has accordingly taken oral instructions from Mr. Karande, the Assistant District Supply Officer, who is personally present in the Court and on the basis of said instructions she makes a statement that the impugned communication would be withdrawn with liberty to the District Supply Officer to pass fresh orders in compliance of the principles of natural justice. Statement is accepted as an undertaking to this Court.

4. Since the impugned communication is withdrawn, the grievance of the Petitioner at this stage no more survives. Petition is, therefore, disposed of. Needless to state that the District Supply Officer, Pune is at liberty to take appropriate action against the

Petitioner only after following the principles of natural justice. All points and contentions of the respective parties are kept open.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]