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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.86 OF 2018

Mahila Sahakari Sona Consumer Society Ltd.	...Petitioner
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Uday Warunjikar i/b Mr.Mukesh V. Aiya for the Petitioner.

Mr.S.H. Kankal, A.G. P. for the State – Respondents Nos.1 and 2.

CORAM : R.D. DHANUKA, J.
DATE : 26TH FEBRUARY, 2018.

P.C. :-

1. Rule. Learned A.G.P. waives services for the respondents.

The matter is heard finally forthwith.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 28th November, 2017 passed by the respondent no.3 pursuant to the show cause notice dated 23rd August, 2017 thereby suspending the license granted to the petitioner.

3. By an order dated 13th October, 2017, passed by this Court, the impugned order dated 11th September, 2017 which was the subject matter of the another writ petition came to be set aside with a

direction to the respondent no.3 to grant a personal hearing to the petitioner and to decide the show cause notice dated 23rd August, 2017 and pass a fresh order after following principles of natural justice.

4. Pursuant to the said order passed by this Court on 13th October, 2017, the respondent no.3 has passed a fresh order suspending the license of the petitioner to run the ration shop.

5. Learned A.G.P. States that alternate remedy lies against the order of the respondent no.3 before the State Government under clause 30 of the Maharashtra Food Grain & Rationing (Second) Order, 1966.

6. In view of the fact that alternate remedy is available against the impugned order passed by the respondent no.3, I am not inclined to interfere with the impugned order in this writ petition. Mr.Warunjikar, learned counsel appearing for the petitioner on instructions from his client states that he will file an appeal before the Appellate Authority within four weeks from today and would serve a copy thereof upon the authority. The statement is accepted.

7. If any appeal is filed by the petitioner within four weeks from today, the same shall be decided on its own merits. Till the said appeal is decided and for a period of two weeks thereafter, the petitioner shall be entitled to restart the ration shop allotted to the

petitioner.

8. Rule is made absolute in aforesaid terms.

9. All the parties to act on the authenticated copy of this order.

10. If any breaches are committed by the petitioner during the pendency of the appeal proposed to be filed by the petitioner, the authorities make take fresh action against the petitioner in accordance with law.

(R.D. DHANUKA, J.)