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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.833 OF 2019

Yamunabai w/o Jaiwir Thakre
Age: 40 years, Occ: Household,
R/o. Village Salsadi, Tq. Taloda,
Dist. Nandurbar. ..PETITIONER

VERSUS

1. The State of Maharashtra
Food and civil supplies
department.
2. District Supply Officer
Nandurbar, Dist. Nandurbar.
3. Tahsildar, Taloda,
Tq. Taloda Dist. Nandurbar. ..RESPONDENTS

Mr Chaitanya C. Deshpande, Advocate for petitioner;
Mr A.R. Kale, A.G.P. for respondents/State;

**CORAM : PRASANNA B. VARALE
AND
S.M.GAVHANE, JJ.**

DATE : 22nd JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioner.

(2)

2. As the petitioner is before this Court with a limited grievance, the petition is taken up for for disposal at admission stage.

3. The husband of the petitioner namely Jayvir Thakre was running fair price shop at village Salsadi for a considerable long time. An inspection was carried out on 10th September, 2012. As there was certain deficiencies, by order dated 2nd January, 2013 the District Supply Officer cancelled the licence. For the same deficiencies, the petitioner's husband was also subjected to a criminal case invoking the provisions of Essential Commodities Act, 1955. The criminal case lodged against the husband of the petitioner ultimately resulted in acquittal by judgment and order of learned Magistrate on 23rd August, 2016. Copy of the same is placed on record at Exhibit-C.

4. On 3rd October, 2016, the husband of the petitioner submitted representation to the District Supply Officer apprising the said authority about

(3)

the acquittal and also the fact that no appeal can be preferred against the order of the criminal court within one month from the date of judgment and order and then it was submitted that the husband of the petitioner was desirous of running shop under the licence. The application was pending and meantime, husband of the petitioner namely Jayvir expired on 1st March, 2017.

5. The petitioner then submitted the application to the District Supply Officer on 30th October, 2018 making the request to the authority to restore licence granted in favour of her husband and permit her to operate shop. The application is pending before the authority till date for decision.

6. This being a limited grievance, we dispose of the petition by directing respondent No.2 - District Supply Officer, Nandurbar to decide the application/representation dated 30th October, 2018, needless to state on its merits and on the

(4)

backdrop of prevailing rules and policy framed by the State Government and by assessing entitlement of the petitioner, who claims to be only surviving legal heir of the original licence holder. The decision be taken as expeditiously as possible and not later than twelve (12) weeks from the date of this order.

7. With this direction, the petition is disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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