

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

WRIT PETITION NO. 4428 OF 2018

Rajmata Mahila Bachat Gat Hadoli
Jahagir, through Secretary
Latabai Shriram Gaikwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. R. Suryawanshi, Advocate for the Petitioner.
Shri B. V. Virdhe, A.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 29TH APRIL, 2019.**

FINAL ORDER :

. The present writ petition is filed seeking directions against the respondents to allot fair price shop at village Hadoli (J), Tq. Loha, Dist. Nanded in favour of petitioner Bachat gut.

2. Mr. Suryawanshi, the learned counsel for the petitioner submits that, there is need of one fair price shop at village Hadoli (J). It consists of four villages and population is more than 2700 persons of these villages. There is requirement of an additional fair price shop. Panchanama is prepared in the village to that effect. Even Sarpanch has issued the certificate that second fair price shop is necessary at village Hadoli (J). According to the

learned counsel considering the panchanama dated 13.05.2016, certificate issued by the Sarpanch and considering population of the village, the respondents be directed to allot one more fair price shop at village Hadoli (J.), Tq. Loha.

3. The learned Assistant Government Pleader submits that, the Tahsildar has given a report that there is no need of separate fair price shop at Hadoli (J.).

4. Affidavit is filed by the Naib Tahsildar. In the affidavit it is stated that the proceedings were initiated for grant of new fair price shop at village Hadoli (J), Tq. Loha. Though initially proposal for one fair price shop at village Hadoli (J) was under consideration and proclamation was drafted, however, same was not published as the Tahsil Office Loha sent a revised proposal on 09.08.2017 intimating that as per census of 2011 total population of village Hadoli (J), Ramnewadi and Ramachiwadi is about 3491 and as these villages have already one fair price shop each village, therefore village Hadoli (J) does not qualify for one more fair price shop. In view of that draft proclamation signed by the authority was not published, nor finalized.

5. Whether to provide a fair price shop at a particular village has to be decided by the Government authorities. The State authorities appear to have opined that it is not necessary to have an additional fair price shop at village Hadoli (J), Tq. Loha. If

petitioners feel additional fair price shop at village Hadoli (J) considering population is necessary, then they may approach the respondent No. 2 in that regard by filing application. In case petitioners approach the respondent No. 2 by filing application, then the respondent No. 2 may take decision on the same on its own merits. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 19