

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9696 OF 2019

SOMATABAI TUKARAM MAHAR SONAWANE
VERSUS
BHAGWAN PUNDALIK SONAWANE AND OTHERS

Mr.B.R.Warma, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent Nos. 2 to 5.

(CORAM : Ravindra V.Ghuge, J.)
DATE : 03/08/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 07/03/2019, by which the Deputy Commissioner (Supply), Nashik rejected her application seeking intervention in the Revision Application No.44/2018. The petitioner is also aggrieved by the order dated 02/07/2019, passed by the District Supply Officer, Jalgaon, closing the proceedings and restoring the license of respondent No.1 fair price shop owner.

2. In so far as the order dated 02/07/2019 is concerned, the said order can be challenged by filing a statutory appeal before the Deputy Commissioner (Civil Supplies), Nashik Division Nashik. As such, I am not entertaining this petition to the extent of the order

dated 02/07/2019 and the petitioner is at liberty to challenge the said order by filing a statutory appeal.

3. In so far as the order dated 07/03/2019 passed by the Deputy Commissioner (Civil Supplies), Nashik is concerned, he had refused leave to the petitioner to participate in the proceedings before him. The petitioner is the original complainant, is a card holder and had fully participated in the enquiry proceedings. However, since the petitioner was already heard by the D.S.O. while passing the order dated 02/07/019 and has a right to file a revision/appeal before the Deputy Commissioner (Civil Supplies), that the impugned order dated 07/03/2019 would not survive as it has lost its efficacy.

4. This petition is, therefore, disposed off.

5. It shall however be noted that as the petitioner would be challenging the order dated 02/07/2019, the order dated 07/03/2019, impugned in this petition, shall not come in way of the petitioner and shall not be an impediment for him to challenge the order dated 02/07/2019.

(Ravindra V.Ghuge, J.)