

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL WRIT PETITION NO.5902 OF 2016

Deepak Makhanlal Badgujar

..Petitioner

V/s.

The State of Maharashtra

Through Secretary,

Food and Civil Supplies & Ors.

.. Respondents

Mr.Sharad S. Suryawanshi i/b Pol Legal Juris for the Petitioner.

Ms.M.S. Srivastava, AGP for the Respondent Nos.1 to 3-State.

Ms.Khevana Dagli i/b Mr.A.M. Sarogi for Respondent No.4.

CORAM : C.V. BHADANG, J.

DATE : 13th DECEMBER 2019

P.C.

1. Heard learned counsel for the petitioner and the learned counsel for the fourth respondent, I have also heard the learned Assistant Government Pleader for the respondent Nos.1 to 3.

2. The challenge in this petition is to the order dated 07th April 2016 passed by the third respondent, thereby remitting the matter to the Controller of Rationing for deciding it afresh in accordance with law. The dispute appears to be in respect of Rationing Shop No.29D-9 between the petitioner and the fourth

respondent. The learned counsel for the petitioner and fourth respondent submit that they are exploring the possibility of amicable settlement of the dispute.

3. The learned Assistant Government Pleader on the basis of the affidavit dated 04th July 2016 points out that in pursuance of the order of remand passed by the third respondent, the parties were present before the third respondent on 06th August 2015 and hearing was afforded to them and thereafter the matter could not be proceeded with on account of the pendency of the present petition.

4. In any event all that the impugned order directs is remand of the matter, to the Controller of Rationing in which the petitioner and fourth respondent have already been heard. If at all the petitioner and the fourth respondent claim that they are exploring the possibility of a settlement, they can always bring it to the notice of the Controller of Rationing and the Controller of the Rationing shall pass appropriate orders as may deemed just and necessary.

5. No case for interference in the impugned order is made out. The petition is accordingly dismissed with no order as to costs.

6. There is an interim order operating in this petition from 04th January 2017 by which the petitioner is allowed to run the fair price shop. The Controller of rationing shall decide the matter on its own merits and in accordance with law within a period of 12 weeks from today. The interim order already operating in this petition shall continue to operate for a period of 12 weeks from today.

[C.V. BHADANG, J.]