

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4271/2018

Smt. Mankarnabai Bhagwan Ingale
Vs.

The State of Maharashtra, through its Ministry of Food and Civil Supply & Consumer
Protection Department and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.A.Mohta, Advocate for petitioner.
Shri A.M.Balpande, Assistant Government Pleader.

CORAM : A.S.CHANDURKAR, J.
DATED : July 10, 2019

The petitioner is aggrieved by the orders passed by the District Supply Officer cancelling the authorization that was issued in favour of the petitioner for running the fair price shop. That order has been maintained by the Deputy Commissioner (Supplies) and thereafter the Hon'ble Minister in exercise of revisional jurisdiction.

It is submitted by Shri S.A.Mohta, learned counsel for the petitioner that the petitioner had permitted one Ganesh Agrawal to assist her in running the fair price shop. Taking advantage of such consent, the representative committed illegal acts which resulted in registration of an First Information Report No.3047/2013 dated 30.09.2013. Show cause notice dated 25.10.2013 was issued on account of registration of First Information Report. There is however no reference whatsoever to that aspect in the show cause notice. Similarly the petitioner was not present on 08.10.2013 when the Supply Inspector visited the shop and prepared the report. Without granting due opportunity, the impugned orders came to be passed resulting in prejudice being caused to the petitioner.

Shri A.M.Balpande, learned Assistant Government Pleader for the respondents supported the impugned orders. According to him, since

said Ganesh Agrawal was permitted to operate the fair price shop by the petitioner, she herself was responsible for the illegalities committed. In the light of seizure of food-grains from the open market, the first information report came to be registered. He referred to the show cause notice to indicate various shortcomings in the running of the fair price shop. He submitted that the shop was inspected by the Supply Inspector in the presence of the Police Patil, Sarpanch, Talathi and other responsible persons and hence it was not open to doubt such inspection. All the Authorities had considered the matter after giving due opportunity to the petitioner.

Heard learned counsel for the parties and perused the impugned orders.

The petitioner has not disputed that she being an old aged lady, she had permitted said Ganesh Agrawal to assist her in operating the fair price shop. During that course, the said representative disposed of food-grains in the open market. The first information report in that regard has been duly registered. The inspection has been carried out in presence of responsible persons. After giving show cause notice and after considering the reply given by the petitioner, the authorization has been cancelled. The Authorities have found various shortcomings in the operation of the fair price shop. As the action has been taken after granting due opportunity to the petitioner, no fault can be found with the impugned orders.

Hence, there is no reason to interfere in writ jurisdiction. The writ petition is therefore dismissed with no orders as to costs.

JUDGE

Andurkar.