

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

WRIT PETITION NO.2755 OF 2019

Tejrao Sheshrao Pote

-vs-

The State of Maharashtra, Thr. its Secretary for Food and Civil Supply, Consumer Protection
Department, Mantralaya, Mumbai and ors.

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

Court's or Judge's Orders.

Shri S. M. Vaishnav, Advocate for petitioner.
Ms S. Jachak, AGP for respondent Nos.1 to 3.

CORAM : A.S.CHANDURKAR, J.

DATE : April 02, 2019

Rule. Heard finally with consent of the learned Assistant
Government Pleader appearing for respondent Nos.1 to 3.
Considering the nature of order proposed to be passed, service
on respondent No.4 is dispensed with.

2. In an appeal preferred by the respondent No.4 challenging
the order passed by the Deputy Commissioner (Supply) dated
20/12/2018 directing holding of enquiry as to the manner in
which the fair price shop was being run by the respondent No.4,
the State Government has stayed the order dated 20/12/2018
without notice to the petitioner. The order of stay is
challenged in this writ petition.

3. Though it was submitted by the learned counsel for the petitioner that before granting the order of stay an opportunity of hearing ought to have been given to the petitioner, the fact remains that the substantive appeal filed by the respondent No.4 is pending with the State Government. The impugned order is dated 08/03/2019. Instead of keeping the proceedings pending in this Court interests of justice would be served by directing expeditious disposal of the said appeal by the respondent No.1.

4. Accordingly the appeal preferred by respondent No.4 before the State Government shall be decided expeditiously and preferably by 10/05/2019. The parties shall appear before the respondent No.1 on 22/04/2019. The petitioner shall communicate this order to the respondent No.4 by Registered Post Acknowledgment Due. The appeal shall be decided on its own merits without being influenced by the fact that ad-interim stay was granted to the order dated 20/12/2018.

With these directions the writ petition is disposed of. No costs.

JUDGE