

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

Writ Petition No. 7509 of 2018

Ramprasad Chavan

Vs.

The State of Maharashtra and one Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Raj Wakode, Advocate for petitioner.
Mrs. Swati Kolhe, AGP for respondents.

CORAM : MANISH PITALE, J.

DATED : MAY 4, 2019

By this writ petition the petitioner has challenged order dated 10/09/2018, issued by the respondent No.3 District Supply Officer, Washim, whereby the licence of fair price shop of the petitioner has been cancelled.

2. In the writ petition a specific statement was made that the petitioner has approached this Court directly by filing writ petition because when he sought to approach the respondent No.2 to challenge the impugned order, the said respondent refused to accept such an appeal proposed to be filed by the petitioner. Upon issuance of notice in the writ petition, the respondent No.3 filed reply affidavit in this Court, but, no response or reference has been made to the specific

contention raised by the petitioner against respondent No.2. A perusal of provisions of the Maharashtra Schedule Duties (Regulation of Distribution Order), 1975, show that against an order of the nature challenged in the present writ petition, the petitioner can file revision application under Clause 24 of the aforesaid Order of 1975.

3. The learned counsel for the petitioner, on instructions, submits that the petitioner would avail of the said alternative remedy and that the writ petition could be disposed of in that light. A further submission is made as per the reply filed on behalf of respondent No.3 that the authorization of the fair price shop of the petitioner has been finalized but it is yet to be formally issued to a third party and a request is made that the respondent No.3 be restrained from granting such authorization for further period of two weeks to enable the petitioner to approach respondent No.2, the Deputy Commissioner (Supplies), Amravati, to file a revision application under clause 24 of the aforesaid Order of 1975.

4. In view of the above, present writ petition is disposed of with liberty to the petitioner to avail alternative remedy of filing revision application before the respondent No.2 under clause 24 of the aforesaid Order of 1975. The respondents are directed not to issue authorization to third party regarding fair price

shop for which the petitioner was having licence, for a period of two weeks from today. Upon expiry of period of two weeks directions of this Court shall lapse.

5. Steno copy of the order be given to the parties to act upon.

JUDGE

MP Deshpande