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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

**WRIT PETITION NO.4836 OF 2020 WITH
CIVIL APPLICATION NO.4530/2020**

Prakash Rameshlal Desarda ... PETITIONER

VERSUS

The State of Maharashtra and others ... RESPONDENTS

.....
Shri S.S. Jadhavar, Advocate for petitioner
Shri D.R. Kale, Government Pleader for State
Ms S.V. Dound, Advocate for Intervener
.....

**CORAM: S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 23rd July, 2020

ORAL ORDER :

The petitioner seeks directions against the respondents to release quota in his favour. The petitioner holds fair price shop licence. The licence of the petitioner was suspended under orders of respondent No.3, dated 14/4/2020. The petitioner filed revision before the respondent No.2. The respondent No.2 partly allowed the revision and remitted the matter to the original authority by setting aside the original order. The grievance of the petitioner is that, though the order of suspension is set aside, the quota is not released in his favour. The petitioner has also deposited an amount of Rs.16,694/- as

per the directions of the respondents for release of the quota. According to the learned counsel, the Deputy Commissioner does not have jurisdiction to pass the order dated 1/7/2020, prohibiting release of quota till the conclusion of enquiry.

2. Mr. Kale, learned Incharge Government Pleader submits that, the enquiry would be concluded within 2/3 weeks. The petitioner sought an adjournment. There are serious allegations against the petitioner. In view of that, the petitioner is not entitled for the release of quota.

3. We have also heard learned Advocate for the Intervener, who submits that there are serious allegations against the petitioner and he is the original complainant.

4. We have considered the submissions. In normal course, once the order is set aside, a person is entitled for release of quota. It appears that, there are serious allegations against the petitioner. Similar order was passed in respect of Baliram Sundar Raut of Nandalgaon, Taluka Georai, District Beed. In his case also the matter was remitted and he was permitted to lift the quota.

5. It appears that, the petitioner has deposited an amount of Rs.16,694/-.

6. Considering the totality of the circumstances, we pass

the following order :

ORDER

7. The respondents may release the quota to the extent of the amount deposited by the petitioner and no further. The enquiry shall be concluded within three weeks. The petitioner shall co-operate in the expeditious disposal of the enquiry. Depending upon the decision taken in the enquiry, further steps be taken by the authorities.

8. Writ Petition is disposed of.

9. In view of disposal of the Writ Petition, Civil Application No.4530/2020 also stands disposed of.

(R.G. AVACHAT)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

fmp/-