

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

CRIMINAL WRIT PETITION NO.1228 OF 2017

VITHAL S/O. BALIRAM DHAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Shrikant G. Kawade.

APP for Respondents: Mr. A. V. Deshmukh.
...

CORAM : T. V. NALAWADE &
M. G. SEWLIKAR, JJ.

DATE : 20th October, 2020.

ORDER: (Per T. V. Nalawade, J.)

. The present proceeding is filed for the relief of direction against the erring officers of revenue department like Tahsildar in respect of their approach and conduct towards the fair price shop of present Petitioner. The Petitioner is holding licence to run fair price shop and he has made allegations that due to the conduct of the Tahsildar, action needs to be taken under the provision of the Essential Commodities Act against the Tahsildar.

2 The submissions made and record show that due to some irregularities noticed in the shop of the Petitioner, his licence to run the shop was suspended. The card holders, who were attached to his shop, were attached to other shop for making alternate arrangement.

Such alternate arrangement was made in respect of many shops including the shop of the Petitioner as action was taken against many shop keepers at the relevant time. They are expected to prepare record on the basis of Aadhaar card and till then the card holders were to collect ration from other shop where alternate arrangement was made. It is the contention of the Petitioner that even when he had completed that work to the extent of 71%, the card holders were not again attached to his shop and so he was not in a position to run the shop.

3 The record and submissions show that at every stage the present Petitioner had refused to follow the orders made against him. The letter dated 2nd April, 2016 shows that when he was directed to handover the list of card holders to Shri Dattatraya Wale, other shop keeper where the card holders were to collect ration, he did not supply the list and he refused to accept even the communication in that regard. Due to his conduct and irregularity, the licence issued in his favour was suspended. When irregularity was noticed like the discrepancy in the food grains supplied to him and the food grains, which were expected to be disbursed, he made allegations against the revenue officers that they had deceived the Government. He blamed Dattatraya Wale and Tahsildar for that. He made allegations against Tahsildar that the Tahsildar was protecting other shop keepers and he

was selling the food grains in black market.

4 The complaint given by the Petitioner was considered by the District Collector and some inquiry was also made. Inquiry must have been made by the District Supply Office. There is nothing to show that any objectionable act was noticed on the part of the Tahsildar. On the other hand, irregularities were noticed in the shop of the Petitioner and due to that at one time his licence to run the shop was also suspended. It is clear that he is feeling aggrieved due to action, which was taken against him at the instance of Tahsildar and so he wants that criminal action is taken against the Tahsildar. Tahsildar was discharging his duty and the Collector is appropriate authority to ascertain as to whether the Tahsildar did any illegal thing. Only on the basis of vague allegations made by the Petitioner in the present proceeding, direction cannot be given to register the crime against the Tahsildar. In the result, the petition stands dismissed.

[M. G. SEWLIKAR, J.]

[T. V. NALAWADE, J.]

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