

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

WRIT PETITION NO. 2643/2017

Harjinder Singh S/o Harbans Singh Sokhi & ors. Vs. State of Maharashtra & ors.

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

Court's or Judge's Orders.

Shri A. Gilda, Advocate for petitioners.
Shri H. D. Dubey, Assistant Government Pleader for respondent Nos. 1 to 3.

CORAM : A.S.CHANDURKAR AND VINAY JOSHI, JJ.
DATED : JANUARY 21, 2020.

The petitioners who have been granted licences for retail sale of kerosene under the Maharashtra Kerosene Dealers Licensing Order, 1966 (for short, “the said Order”) have challenged the proclamation dated 31.03.2017 issued by the Office of the District Supply Officer. By the said proclamation, applications were invited from various Self Help Groups to enable the distribution of kerosene in various villages in district Yavatmal. It is the petitioners’ case that since they have been granted licences since the year 1997 and which licences are still in force, it is likely that by virtue of this proclamation, their licences would either be suspended or cancelled without any notice. The petitioners also apprehend that the quota of kerosene which is being allotted to them for distribution would be reduced as a result of this proclamation.

2. According to the learned counsel for the petitioners, under Clause 10 of the said Order, a licence already issued is not liable to be suspended or cancelled without giving an opportunity of showing cause to the licence holder. By issuing such proclamation, the Authorities have indirectly taken steps that

would result in cancellation of the petitioners' licences. In any event it would also result in reducing the quota of kerosene which is allotted to the petitioner for retail distribution. The petitioners were thus, liable to be heard before issuance of the proclamation. This act according to the petitioners of issuing the proclamation is contrary to the principles of natural justice.

3. Reply has been filed on behalf of respondent Nos. 1 to 3 stating therein that in terms of Government Resolution dated 03.11.2007, the aforesaid proclamation has been issued. The intention is to enable various Self Help Groups to distribute kerosene instead of continuing the monopoly of individual licence holders. It is submitted that the said decision has been taken in larger public interest and hence no interference is warranted by this Court.

4. It is found from the documents on record that presently only a proclamation has been issued by the District Supply Officer inviting applications from various Self Help Groups in the Taluka to enable retail distribution of kerosene. It is only the apprehension of the petitioners that by issuing such proclamation, their licences would either be suspended or cancelled without giving any notice whatsoever as contemplated by Clause 10 of the said Order.

5. Considering the provisions of Government Resolution dated 03.11.2007 which prescribes issuance of proclamation to enable Self Help Groups to seek grant of licence for retail distribution of kerosene, its object appears to be to serve larger public interest. Hence, no fault can be found with the issuance of proclamation by the District Supply Officer dated 31.03.2017. The apprehension expressed by the petitioners can be taken care of by directing the Authorities that in case, they

intend to proceed under Clause 10 of the said Order against the petitioners, they shall comply with the requirements of said Clause 10 and then take further steps. With these observations, the writ petition is disposed of. No costs.

JUDGE

JUDGE

Gohane.