

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

WRIT PETITION NO.2719/2019

Sheshrao S/o Jayantrao Biradar,
Age 70 years, Occu : Agril,
R/o Somthana, Post.Degol,
Tq. Shiruranantpal, Dist.Latur .. PETITIONER

VERSUS

- 1] The State of Maharashtra
Through its Secretary
Food & Supply Department,
Mantralaya, Mumbai-32
- 2] The Deputy Commissioner,
Food & Supply Department,
Aurangabad.
- 3] The District Supply Officer,
Latur Tq. & Dist.Latur.
- 4] The Tahsildar,
Shiruranantpal, Tq. Shiruranantpal,
Dist.Latur.
- 5] Vishnu S/o Subhash Biradar
Age 40 years, Occu : Agril
R/o Somthana, Post.Degol
Tq. Shiruranantpal, Dist.Latur. .. RESPONDENTS

...

Advocate Mr.G.L.Awale for the petitioner
A.G.P. Mr.K.B.Jadhavar for respondent nos. 1 to 4
Advocate Smt.A.M.Kulkarni for respondent no.5.

...

CORAM: MANGESH S PATIL,J.
DATE : 03.09.2021

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. The learned advocates for the respondents waive service. With the consent of both the sides the matter is heard finally at the stage of admission.

2] The petitioner made grievance that the respondent no.5 who was granted a licence to run a fair price shop had indulged in several irregularities. The District Supply Officer, after inquiring into the allegations, by the order dated 28/4/2016 suspended the licence and directed attachment of ration cards of his shop to some other shop. The respondent challenged the order of the District Supply Officer before the Deputy Commissioner(Supply). His revision was allowed, the order of the District Supply Officer directing suspension of licence was quashed and set aside and the matter was remanded to him for decision by conducting inquiry afresh. Aggrieved by such a direction of remand the petitioner challenged that order before the State Government. The

learned Minister by the order dated 11/12/2018 allowed the revision, cancelled the order of Deputy Commissioner (Supply) remanding the matter and restored the order of the District Supply Officer. The respondent no.5 sought review of the order and by the impugned order it was allowed and the order passed by the Deputy Commissioner (Supply) remanding the inquiry was restored. While allowing such review directions were issued by the learned Minister and the direction in Clause No.6 is to the effect that the District Supply Officer would hold a fresh inquiry, record statements of the card holders, extend opportunity to the respondent no.5 of being heard, inspect records of his shop and if it was found that there were irregularities, to initiate an action as deemed necessary.

3] The learned Advocate Smt.Kulkarni submits that because of the interim relief granted in this Petition, even the inquiry as is contemplated in Clause No.6 of the impugned order is not being conducted.

4] The learned advocate for the petitioner submits that in such eventuality even the Writ Petition can be disposed of as logical and legal consequences would follow once the inquiry is completed.

5] In view of such state of affairs, the Writ Petition is disposed of. The Rule is discharged.

[MANGESH S. PATIL,J.]

umg/