

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1125 WRIT PETITION NO. 9719 OF 2019

DAGAJI S/O BHAIKAS PATIL AND ANOTHER
VERSUS
RAMKRUSHNA S/O HANUMANTRAO PATIL AND OTHERS

.....
Advocate for Petitioners : Mr. B. R. Waramaa
Advocate for Respondent No.1 : V.B. Jadhav h/f Mr. A. V. Hon
AGP for Respondent Nos. 2 to 6 : Mr. S. P. Deshmukh
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CORAM : V. K. JADHAV, J.
DATED : 26th FEBRUARY, 2021

PER COURT:-

1. Being aggrieved by the order passed by the District Supply Officer, Jalgaon with regard to suspension of licence of the fair price shop of respondent No.1, respondent No.1 filed revision No. 52 of 2018 before the Deputy Commissioner (Supply) Nashik Division, Nashik. In the said revision, respondent No.1 filed an application for staying the effect of order passed by the District Supply Officer. However, the Deputy Commissioner (Supply) Nashik has rejected the said application.

2. Being aggrieved by the same, respondent No.1 had approached the Hon'ble Minister by filing revision. By the impugned order, the Hon'ble Minister, instead of considering the order to the extent of rejection of application seeking stay, decided the matter entirely on merits and quashed and set aside the order passed by the District Supply Officer.

3. In view of the above, the order passed by the Hon'ble Minister is not sustainable in the eyes of law and the same is liable to be quashed and set aside.

4. Learned counsel for respondent No.1, on instructions, submits that the said revision filed before the Deputy Commissioner (Supply), Nashik is still pending and respondent No.1 would pursue the said revision. In view of the same, I proceed to pass the following order:-

O R D E R

- I. Writ Petition is hereby allowed.
- II. The impugned order dated 17.07.2019 passed by the Hon'ble Minister for Food and Civil Supplies, Mantralaya, Mumbai in revision No. VAN-1218/P.K.106/N.P.23 is hereby quashed and set aside.
- III. Needless to say that respondent No.1 herein is at liberty to pursue the pending revision before the Deputy Commissioner (Supply), Nashik Division, Nashik.
- IV. With the above directions, the writ petition is disposed of.

(V. K. JADHAV, J.)