

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

905 WRIT PETITION NO.11545 OF 2016

. Balaji S/o Trimbakrao Yelkar
Age: 55 years, Occu.: Agril.,
R/o. Tupdi, Tq.Nilanga,
District : Latur. ..Petitioner

VERSUS

1. The State of Maharashtra
2. The Hon'ble Minister,
Food, Civil Supply and Consumer
Protection Department, Mantralaya,
Mumbai - 32.
3. The Deputy Commissioner,
Civil Supply, Aurangabad.
4. The District Supply Officer, Latur.
5. Yadav S/o. Dattu Gore
Age: 50 years, Occu.: Agril.,
R/o. Tupdi, Tq.Nilanga,
District : Latur. ..Respondents

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Advocate for Petitioner : Smt.M.A.Kulkarni h/f. Shri A.M. Kulkarni
AGP for Respondent Nos.1 to 4-State : Shri A.B.Chate
Advocate for Respondent No.5 : Smt. A.S.Jadhav h/f.
Shri P.R. Katneshwarkar
...

CORAM : M.G.SEWLIKAR, J.

DATE: 11th August, 2021

ORAL JUDGMENT :-

1. Heard.
2. Smt.M.A.Kulkarni, learned counsel holding for Shri

A.M.Kulkarni, learned counsel for petitioner states that despite making an application for supply of copies to the Office of the Hon'ble Minister (Food, Civil Supply and Consumer Protection Department), copies were not supplied to the petitioner. Without supplying the copies to the petitioner, the Hon'ble Minister decided revision by order dated 6th October, 2016. Smt.Kulkarni, learned counsel submitted that because of failure to supply copies, petitioner could not make his submissions effectively. He has been denied the right of fair trial. She states that, therefore, the matter needs to be remitted to the Hon'ble Minister for fresh hearing.

3. To buttress her submissions, she placed on record photocopy of the application dated 27th September 2016. She has already placed on record true copy of this application alongwith the petition at Exhibit-'D' collectively. At the time of admission of the petition, record was called specifically for ascertaining whether such type of application was tendered. The record does show that this application was filed before the Hon'ble Minister. Photocopy produced by the petitioner shows that the petitioner had tendered personally the copy of the application to the Private Secretary of Hon'ble Minister on 27th September, 2016.

4. Shri A.B.Chate, learned AGP for respondent Nos.1 to 4 submitted with vehemence that this copy of application was subsequently tendered just to get favourable relief. According to him, the Office endorsement does not appear on this application. Therefore, he submits that this application was submitted after the decision of the matter.

5. Respondent No.5 has filed affidavit-in-reply. Smt.A.S. Jadhav, learned counsel appears for respondent No.5. She adopted the arguments of Shri Chate, learned AGP for respondent Nos.1 to 4.

6. The submissions of the learned AGP for respondent Nos.1 to 4 cannot be accepted. The photocopy produced by the petitioner is his office copy. On this copy, there is an acknowledgment given by Private Secretary to the Hon'ble Minister. Acknowledgment cannot be made on the original application filed in the Office of the Hon'ble Minister. In this view of the matter, there is substance in the contention of the petitioner that the petitioner was not given proper opportunity of hearing. Therefore, I deem it appropriate to remand the matter to the Hon'ble Minister for fresh hearing. Hence, the order:

ORDER

- i) Writ Petition is allowed.
- ii) Matter is remitted to the Hon'ble Minister for deciding the revision afresh.
- iii) The Hon'ble Minister shall supply the copies of the documents mention of which is made in the communication dated 27th September, 2016.
- iv) Since the matter is of the year 2015, the Hon'ble Minister shall decide the matter within six months from the date of receipt of writ of this Court.
- v) Parties to appear before the Hon'ble Minister on 15th September, 2021.
- vi) Record and Proceedings be sent back to the Office of the Hon'ble Minister.
- vii) Writ petition is disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT