

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

901 WRIT PETITION NO. 11572 OF 2022

**DIGAMBAR HARICHADRA RATHOD
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

...
Advocate for the petitioner : Mr.P.B.Vikhe
AGP for the Respondent-State : Mr.G.O.Wattamwar
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 21.12.2022**

P.C. :

1] Heard the learned counsel for the petitioner and the learned AGP for the respondent-State.

2] The learned counsel for the petitioner submits that he was holding license of fair price shop. On 11.02.2011, FIR was lodged against the petitioner under Section 420, 468, 471 of the Indian Penal Code and under Section 3 and 7 of the Essential Commodities Act, stating that the petitioner had played fraud by preparing bogus

documents of license. On 21.03.2011, the respondent no. 3 – the District Supply Officer, Beed, without giving sufficient opportunity of hearing to the petitioner, cancelled his license. Thereafter, he preferred Revision Petition No.195/2011 before the respondent no.2 – the Divisional Deputy [Supply] Commissioner, Aurangabad and the same was also rejected by order dated 30.11.2016. Second Revision filed before the Hon'ble Minister was also rejected on 17.07.2019 without considering the fact that the present petitioner was acquitted for the offence punishable under Sections 420, 468, 471 of the Indian Penal Code and under Section 3 and 7 of the Essential Commodities Act.

3] The learned counsel for the petitioner further submits that the license of the petitioner was cancelled only on the ground that offence was registered against the petitioner, as he had been acquitted from the said crime the license, which was cancelled, needs to be restored. The petitioner, thereafter, applied for restoration of the license to the respondent no.3 – the District Supply Officer, Beed.

Even the respondent no.2 has also communicated to the respondent no. 3 by letters dated 28.04.2017 and 07.05.2018. Despite this, no steps have been taken by the respondent no.3 till today. The learned counsel further submits that the petitioner has been continuously reminding the respondent no.3 and he has also made latest application before the respondent no.3 along with reminder on 21st October, 2021.

4] In view of above, the respondent no.3 is directed to decide the applications of the petitioner for restoration of his license within a period of four [4] months after hearing all the concerned parties. In the event, the representation filed by the petitioner is not found in the office of the District Supply Officer, the petitioner is permitted to file fresh representation before the respondent no.3 and the respondent no.3 to decide the same within a period of four months after receipt of the application of the petitioner.

5] Accordingly, the Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC