

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

**WRIT PETITION NO.3538 OF 2008**

Shilpa W/o Suresh Shinde,  
Age: 33 years, Occu.: Household,  
and Sarpanch of Village Deola,  
R/o Deola, Tq. Wadwani, Dist. Beed. ..Petitioner

VERSUS

1. The State of Maharashtra  
Through Secretary,  
Food and Civil Supply &  
Consumer Protection Department,  
Mantralaya, Mumbai.
2. The Collector,  
Beed.
3. The District Supply Officer,  
Beed.
4. The Tahsildar,  
Wadwani, Tq. Wadwani,  
District: Beed. ..Respondents

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Mr. S. S. Thombre, Advocate for the Petitioner.  
Mr. P. S. Patil, AGP for Respondent Nos.1 to 4.

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**CORAM : S. V. GANGAPURWALA &  
S. G. DIGE, JJ.**

**DATED : 04<sup>th</sup> JANUARY, 2022.**

**ORAL JUDGMENT (Per: S. V. Gangapurwala, J.):—**

1. It is submitted that, the Government Resolution dated 03.11.2007 does not survive in view of the subsequent Government Resolution dated 06.02.2017.

2. The Government Resolution dated 06.02.2017 is not before us. The petitioner is a Sarpanch of Grampanchayat, Deola, Tal. Wadwani. The Grampanchayat is issued with the license to run Fair Price Shops. Under Government Resolution dated 03.11.2007, the Government order dated 03.01.2006 was canceled and the preference list was prepared.

3. The Government Resolution dated 03.11.2007 states that, Fair Price Shops and Kerosene License in existence shall not be canceled. In view that, the petitioner would not be affected by the said Government Resolution. It appears that, subsequently proclamation has been issued on 19.04.2008 for allotment of Fair Price Shop for village Deola, Tal. Wadwani.

4. It is the contention of the petitioner that, the Fair Price Shop License in favour of the Grampanchayat, Deola was never canceled and is in existence. In view of that, Government Resolution would not apply to the petitioner. Under order dated 03.05.2008 status quo was directed to be maintained. Subsequently, Rule is granted.

5. As the Government Resolution dated 03.11.2007 is now replaced by subsequent Government Resolution dated 06.02.2017, the challenge to the Government Resolution dated 03.11.2007 does not survive. In case, the license is still in force

issued in favour of Grampanchayat Deola, Tal. Wadwani, then the proclamation impugned in the present writ petition also would stand set aside.

6. Rule accordingly made absolute in above terms. No costs.

**(S. G. DIGE)**  
**JUDGE**

**(S. V. GANGAPURWALA)**  
**JUDGE**

Devendra/January-2022