

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

WRIT PETITION NO.6641 OF 2022

**GANGADHAR BHUJANGRAO SURNAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL SECRETARY
AND OTHERS**

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Advocate for Petitioner : Mr. Ram S. Shinde
AGP for Respondent/State: Mr. S.B. Pulkundwar
Advocate for Respondent No.4 : Mrs. A.M. Kulkarni

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CORAM : MANGESH S. PATIL, J.

DATE : 07.07.2022

ORDER :

Heard. Rule. The Rule is made returnable forthwith. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioner is a villager perhaps acting at the behest of some of the other villagers. The respondent No.4 is a person to whom a licence was issued for running a fair price shop. The villagers had made serious grievances in respect of operation of the shop by the respondent No.4. They had alleged about rampant irregularities and illegalities. Some sort of inquiry was undertaken. Initially his licence was suspended by the District Supply Officer on a report submitted by the Tahsildar. Subsequently even proceeding for revoking the licence was undertaken. Again some inquiry was conducted, report was submitted and the District Supply Officer

cancelled the licence. By the order under challenge the learned Minister has set aside the order of the lower authorities, directed a fresh inquiry to be undertaken and for the time being restored the licence. Aggrieved by the order, the petitioner is before this Court.

3. After having heard the submissions of both the sides what transpires is that the decision that was taken initially for suspension of the licence and thereafter its cancellation is based on an inquiry which merely contained stereotyped printed statements of villagers, wherein, only the blanks were filled with hand. Though it was pointed out that record of the respondent No.4 shop was seized, there is absolutely no whisper in the order of the District Supply Officer as to what kind of inspection he had undertaken to reach a conclusion about the alleged lapses.

4. All in all what transpires is that though it was expected of the learned District Supply Officer to have undertaken a scrutiny objectively before reaching any conclusion, he had merely reached a subjective satisfaction only on the basis of such stereotyped statements of the villagers. The order was indeed silent about he having cross checked the allegations in the statements with the record that was seized by him. Though not for so many reasons, the learned Minister has restored the licence and has merely directed a fresh inquiry to be undertaken.

5. Going by the aforementioned state of affairs, irrespective of the soundness of the reasoning given by the learned Minister, ultimately the direction to undertake a fresh inquiry does not call for any interference. In

fact that would aid both the sides and enable the District Supply Officer to reach some objective conclusion.

6. In these circumstances, the impugned order does not call for any interference, however, it would be appropriate to direct the authorities to undertake the fresh inquiry with required urgency.

7. The Writ Petition is dismissed.

8. All the points are kept open. The District Supply Officer shall now undertake the inquiry in the light of the above observations and as per the directions in the order under challenge and complete the inquiry within a period of three months from today.

9. The Rule is discharged.

(MANGESH S. PATIL, J.)

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