

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7908 OF 2020

Dagadu Waman Bondare
Age- 60 years, Occ- Agri and Card Holder,
R.o. Deshgavan, Tq. Ambad,
Dist. Jalna.

....**PETITIONER**

Versus

1. The State of Maharashtra
Through Secretary
Food, Civil Supply and Consumer
Protection Department, Mantralaya,
Mumbai.
2. The Deputy Commissioner (Supply)
Aurangabad.
3. The District Supply Officer
Jalna, Dist. Jalna.
4. The Tahsildar
Ambad, Dist. Jalna.
5. Digambar Karbhari Huse
Age- 52 years, Occu- Agri,
R/o. Deshgavan Tq. Ambad,
Dist. Jalna.

...**RESPONDENTS**

Mr. K.J. Suryawanshi, Advocate for the Petitioner.
Mr. K.S. Patil, AGP for Respondents No.1 to 4 – State.
Mr. S.S. Thombare, Advocate for Respondent No. 5.

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[CORAM : NITIN B. SURYAWANSHI, J.]DATE : 1st MARCH, 2022JUDGMENT :

1. Rule. Rule made returnable forthwith and heard with the consent of parties.

2. The Petitioner complained commission of malpractices by Respondent No.5 in operating his ration shop. After conducting the inquiry, the license of Respondent No.5 was suspended. The Respondent No. 5 unsuccessfully challenged the order of suspension of license by filing revision before the Respondent No. 2. Both the orders were challenged in revision before Respondent No. 1. In the said revision, notice dated 20.10.2020 was received by the petitioner calling upon him to remain present on 26.10.2020. Accordingly, the Petitioner remained present and submitted an application that, he has filed a caveat and the copy of revision memo along with the documents are not supplied to him, the same may be supplied and adjournment may be granted to him for filing say. It appears from the record that,

without supplying copies to the Petitioner, the matter was closed. By the impugned order, the Respondent No.1 has partly allowed the revision filed by the Respondent No.5, set aside the impugned orders and restored the license of Respondent No.5 on certain conditions. The Petitioner is aggrieved by the said order.

3. Heard rival submissions of the learned Advocates for the respective parties. Perused the original record made available by the learned Assistant Government Pleader.

4. It is clear from the record that, the application of the Petitioner was not taken into consideration and the copies sought by the Petitioner are not supplied. It is thus clear that, reasonable opportunity of being heard was not given to the Petitioner. Since the impugned order is passed in violation of principle of natural justice, the same is unsustainable, and therefore, is quashed and set aside.

5. The matter is remanded back to the Respondent No.1 for fresh decision, which shall be on merits in accordance with law, after giving opportunity of hearing to all the concerned parties.

6. The Respondent No.1 shall decide the matter within three months from the date of receipt of copy of this order.
7. The Parties shall maintain *status quo* as on today till the decision of revision by the Respondent No.1.
8. Rule is made absolute in above terms. No costs.

[NITIN B. SURYAWANSHI]
JUDGE