

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

913 WRIT PETITION NO.14887 OF 2021

SOMNATH RAMCHANDRA BHARADE
VERSUS
THE TAHSILDAR & OTHERS

...

Advocate for the petitioners : Mr.V.A.Bagal
AGP for Respondent-State : Mr.G.O.Wattamwar
Advocate for Respondent no.5 : Adv.Mustafa Zia Ul

...

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

P.C. :

1] The petitioner is challenging the order passed by the respondent no.4 dated 24.11.2021 whereby Revision Petition No.100/2021 filed by respondent no.5 is allowed.

2] It is the contention of the petitioner that the District Supply Officer had cancelled the license of the fair price shop of respondent no.5, on the complaint filed by the petitioner after following due process of law and after hearing all the parties concerned on 07.10.2021. Being aggrieved by the said order, the respondent no.5 filed

revision before respondent no.3 and the revisional authority while admitting the revision petition, rejected the interim application for stay on 27.10.2021. Against both orders i.e. 07.10.2021 and 27.10.2021, the respondent no.5 approached the respondent no.4 by filing revision petition. The respondent no.4 by the impugned order has set aside the order passed by the respondent nos.2 (The District Supply Officer, Aurangabad) and the entire proceedings before the respondent no. 3 (The Deputy Commissioner (Supply), Division, Aurangabad). It is the contention of the petitioner that while passing the impugned order, respondent no.4 has travelled beyond his jurisdiction in completely disposing off the revision petition pending before the respondent no.3, revisional authority as the impugned order of the revisional authority was only an interim order rejecting the stay application filed by respondent no.5.

3] The learned counsel appearing for respondent no.5 submits that the order passed by the respondent no.5

is legal and valid and the same is not passed beyond his jurisdiction.

4] The respondent no.4 while deciding the revision petition has erred in travelling beyond its jurisdiction by disposing off the entire proceedings pending before the respondent no.3. The impugned order of respondent no. 3 was only an interim order dated 27.10.2021 as such the lis before respondent no. 4 was limited to the interim order of respondent no.3.

5] In view of above, the order passed by the respondent no.4 to the extent of deciding the entire proceedings pending before respondent no.3 is hereby set aside and the revision petition No. 117/2021 pending before respondent no.3 is restored to its original position.

6] However, it is made clear that during pendency of the proceedings before the Appellate Authority, *status quo* as on today be maintained in view of the fact that the various orders passed by this Court for observing the

operation of the fair prices shop at the instance of respondent no.5 and it is not reported by the learned AGP that there is violation of conditions of fair price shop at the instance of respondent no.5.

7] During pendency of the revision petition, status quo as on today would be maintained. The Revision Petition is directed to be decided as expeditiously as possible.

8] The revisional Authority to issue notice to the parties for fixing the date of hearing.

9] Accordingly, Writ Petition is disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC