

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.459/2022

Dr. Narayan Natthuji Kaware

...Versus...

State of Maharashtra through its Secretary, Food, Civil Supply and Consumer
Protection, Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri M.M. Kalar, Advocate for petitioner
Shri N.R. Patil, AGP for respondent nos.1 to 3
Shri P.S. Patil, Advocate for respondent Nos.4

CORAM : AVINASH G. GHAROTE, J.

DATE : 10/10/2022

1. Heard Shri M.M. Kalar, learned counsel for the petitioner, Shri P.S. Patil, learned counsel for the respondent no.4 and Shri N.R. Patil, learned Assistant Government Pleader for the respondent nos.1 to 3. The petition challenges the order 29/11/2021 (pg.24), whereby the earlier orders passed in the matter have been set aside and the matter has been remanded back to the District Supply Officer for making a fresh enquiry as indicated therein.

2. Shri Kalar, learned counsel for the petitioner takes objection to this, contending that since an enquiry was already done earlier in point of time there was no necessity for a fresh enquiry.

3. Shri P.S. Patil, learned counsel for the respondent no.4 is correct in pointing out that in the earlier round, on a visit by the Guardian Minister to the concerned village on 22/10/2018 an inspection was conducted on 23/10/2018 of the fair price shop of the respondent no.4 and without issuance of the show-cause-notice, the licence was suspended by order dated 24/10/2018, which was set aside by the learned Deputy Commissioner (Supply) in appeal by an order dated 18/01/2019. This order, in turn, was challenged before the Hon'ble Minister, who had granted a stay on 13/09/2019, however, in Writ Petition No.297/2020 decided on 09/08/2021 this order of stay was set aside. Thereafter, by the impugned order dated 29/11/2021 the revision has been allowed by the learned Minister remanding the matter back to the District Supply Officer to conduct a fresh enquiry.

4. The above position would demonstrate that at no point of time earlier any enquiry was conducted and any show-cause-notice was issued to the respondent no.4, considering which, as the respondent no.4 would have a right to place his stand before the District Supply Officer consequent to a show cause, no fault can be found with the impugned order. I therefore do not see any merit in the writ petition. The same is dismissed. No order as to costs.