

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

WRIT PETITION NO.6621 OF 2017

Ramrao Shaligram Ingole
Aged about 55 years, Occ: Agriculturist,
R/o at post Pedgaon, Tq. Mangrulpir,
Dist. Washim.

...PETITIONER

---VERSUS---

1. The State of Maharashtra,
Through Minister, Department of Food &
Supply, Mantralaya, Mumbai.
2. The Deputy Commissioner (Supply),
Amravati Division, Amravati.
3. The District Supply Officer,
Civil Lines, Tq. & Dist. Washim.
4. Bandubhau Bhikaji Vaidya
Aged about Adult, Occ: Nil
R/o Pedgaon, Tq. Mangrulpir,
Dist. Washim.
5. Ramdas Dashrath Mohade,
Aged about adult, Occ: Nil
R/o At Post Pedgaon, Tq. Mangrulpir,
Dist. Washim.

...RESPONDENTS

Shri A.M. Haque, Advocate for the petitioner.
Ms H.N. Jaipurkar, AGP for respondent nos.1 to 3
Shri Anup Gilda, Advocate for respondent no.4.

CORAM : AMIT BORKAR, J.
DATED : JULY 25, 2022.

ORAL JUDGMENT :

1. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. By this writ petition under Article 226 of the Constitution of India, petitioner, who is a licence holder of a fair price shop, is challenging the order passed by respondent no.1, thereby setting aside the order dated 01.10.2016 passed by the Deputy Commissioner (Supply), Amravati Division, Amravati confirming the order passed by the District Deputy Supply Officer, Washim dated 10.09.2014.

3. The facts relevant for the adjudication of the present case are that a complaint was filed in 2010 against the petitioner alleging misconduct while running a fair price shop. It appears that petitioner had filed a complaint with the Police Station on 01.09.2010 alleging that he had lost all his documents in relation to the fair price shop. In the first round of litigation, the parties came up before this Court, and this Court, in Writ Petition No.5856 of 2013, directed a fresh enquiry into the matter. In pursuance of the said order, statements of 108 residents of the said village were recorded and accordingly, the District Supply Officer submitted a report. The Deputy Commissioner (Supply), Amravati Division, Amravati, while passing the order dated

01.10.2016, recorded the finding that the District Supply Officer recorded the statements of 108 persons who had stated that the petitioner is regularly supplying them the goods. By recording the said findings, respondent no.2 allowed the revision. By the impugned order, respondent no.1 set aside the said order holding that since petitioner had failed to supply the record at the time of inspection, petitioner's case does not inspire confidence.

4. On perusal of the reasons in the impugned order, it appears that the Revisional Authority did not adjudicate the relevant issues involved in the matter. It is, therefore, necessary that the Revisional Authority has to consider the issues relevant for adjudication of the issues. According to this Court, the relevant issues are as under:

- (a) The date of complaint filed complainant: whether it is prior to 01.09.2010 or thereafter.
- (b) Respondent no.1 needs to consider the events that occurred before 01.09.2010. Unless the events that took place before 01.09.2010 are considered, the findings cannot be recorded that petitioner has deliberately lost the record.

5. In that view of the matter, the impugned order is set aside. Accordingly, respondent no.1 shall carry out the exercise in the light of observations made above and shall record a

categorical finding as regards relevant points referred to above. The exercise shall be completed within six months from the date of appearance of the parties.

6. Since petitioner was running a fair price shop during the pendency, he shall be entitled to continue the said fair price shop till the decision of respondent no.1 and for four weeks if the decision is adverse to petitioner.

7. The petition stands disposed of in the above terms. Pending civil application(s), if any, stand(s) disposed of.

JUDGE

Wagh