

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8118 OF 2023

Mr. Altaf Dilawaar Shaikh

.. Petitioner

v/s.

The State of Maharashtra and Ors.

.. Respondents

...

Mr. Rahul B. Vijaymane, Advocate for the Petitioner.

Smt. V.S. Nimbalkar, AGP for State.

Mr. Ashok G. Garje, Advocate for Respondent no.7.

...

CORAM : SANDEEP V. MARNE, J.

DATED : JULY 21, 2023.

P.C. :

1. By this petition, Petitioner challenges the order dated January 20, 2023 passed by the Hon'ble Minister, Food, Civil Supplies and Consumer Protection Department allowing the Revision Application filed by Respondent no.7 and restoring his licence for fair price shop on condition of recovery of fine of Rs.5,000/-, as well as payment of fresh deposit. The Minister has further directed to conduct an enquiry afresh by recording statements of 25% ration card holders as well as verify the Registers. It has further directed that in the event of any illegality or irregularity being observed, further action be taken against

Respondent no.7.

2. I have perused the order passed by the Supply Officer dated June 30, 2022. The main reason for permanently suspending the license of Respondent no.7 is the alleged arrogant behaviour of Respondent no.7 as complained by 62 ration card holders. Apart from alleged arrogant behaviour, it does not appear from the order of the Supply Officer that any finding of deficiency or excess stock or allegation of diversion of stock is recorded. The Deputy Commissioner (Supply), Pune has rejected the Appeal by order dated September 27, 2022 without recording any reasons. The Hon'ble Minister has set aside the order of the Supply Officer by recording a finding that a fresh enquiry into the activities of Respondent no.7 is warranted after recording statements of 25% of the ration card holders. Additionally, the Hon'ble Minister has imposed fine of Rs.5,000/- in addition to direction to pay deposit for fresh license against Respondent no.7. The statements were directed to be recorded and a fresh enquiry was directed to be conducted within a period of three months. The order of the Minister was passed on January 20, 2023 and by now, such fresh enquiry would ideally be over. Be that as it may, I do not find any reason to interfere in the order passed by the Hon'ble Minister.

3. The learned Counsel for the Petitioner has

strenuously relied upon the judgment of the Division Bench of this Court in **Ramprasad Ramchandra Chavan Vs. State of Maharashtra and Ors.** L.P.A. (St.) No.1661 of 2010 decided on February 8, 2010. In that case, there was a specific allegation of shortage in the stock which is clearly absent in the present case. Therefore, the cited judgment would not have any application to the present case.

4. Resultantly, I do not find any merit in the present petition. Writ Petition is **dismissed** without any order as to costs.

5. It is clarified that, no findings are recorded on the merits of the matter. A fresh enquiry as contemplated by order dated January 20, 2023 shall be conducted on its own merits without being influenced by any of the observations made in the present order.

NEETA
SHAILESH
SAWANT

(SANDEEP V. MARNE, J.)

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