

THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3539 OF 2023

PETITIONER: Ramrao Shaligram Ingole,
aged about 60 years., Occ. Agriculturist,
R/o. At post Pedgaon, Tq. Mangrulpir,
Dist. Washim.

...VERSUS...

RESPONDENTS: 1] The State of Maharashtra, through
Hon'ble Minister, Department of
Food & Civil Supply, Mantralaya,
Mumbai.

2] Deputy Commissioner (Supply)
Amravati Division, Amravati.

3] The District Supply Officer,
Tq. And Dist. Washim.

4] Bandubhau Bhikaji Vaidya,
Aged about 45 years, Occ. Nil,
R/o. Pedgaon, Tq. Mangrulpir,
Dist. Washim.

5] Ramdas Dashrath Mahole,
aged about 50 years, Occ. Nil.
R/o. At post Pedgaon, Tq. Mangrulpir,
Dist. Washim.

Mr. Aquib M. Haque, Advocate for petitioner.
Mr. N.R.Patil, AGP for Respondent Nos. 1 to 3
Mr. Anup Gilda, Advocate for respondent Nos.4 & 5

CORAM : AVINASH G. GHAROTE, J.
DATE : 12/06/2023.

1] Rule. Rule made returnable forthwith. Heard finally with the consent of the respective learned counsel appearing for the parties.

2] The petition challenges the order dated 16.5.2023 passed by the respondent no.1, rejecting the revision filed by the petitioner, resulting in cancellation of the foodgrain license of the petitioner.

3] It is material to note that in the earlier round of litigation in Writ Petition No. 6621/2017 (Ramrao Shaligram Ingole vrs State of Maharashtra and ors) this Court by the judgment dated 25.7.2022 had indicated the relevant issues which were required to be considered by the respondent No.1 in para 4 of the judgment and had remanded the matter back to the respondent no.1 with a direction that the respondent no.1 shall record a categorical finding as regard to the relevant points referred to in para 4 thereof. The points framed required the position prior to 1.9.2010, the date on which the petitioner had

filed a complaint alleging that he had lost all his documents in relation to his fair price shop, to be considered.

4] Presuming the correctness of the complaint, for the sake of argument, it is not disputed by learned AGP that under the provisions of the Essential Commodities Act and the Rules framed thereunder, the District Supply Officer has to carry out regular inspection and so also has to make enquires into any complaint filed against the petitioner/fair price licensee. All this record is therefore obviously with the authorities. A perusal of the impugned order does not indicate that any such material has been placed before the learned respondent no.1 and therefore considered by him.

5] Mr. Gilda, learned counsel for respondent nos.4 and 5 as well as learned AGP appearing for Respondent nos.1 to 3 have been unable to point out from the impugned order, any such position. When this Court had by the judgment dated 25.7.2022 in W.P. No. 6621/2017 indicated the relevant issues, it was incumbent upon the respondent No.1 to have considered

them, in light of material which was available with the respondent no.3, which ought to have been placed on record and considered. Failure in this regard, clearly vitiates the impugned order and the same therefore cannot be sustained. The impugned order dated 16.5.2023 is therefore quashed and set aside and the matter is remanded back to respondent no.1 to decide the revision afresh by taking into consideration the record available with the respondent no.3 and the other authorities prior to 1.9.2010, which consideration shall be reflected from the order which may be passed by the respondent no.1.

6] The parties shall appear before the respondent no.1 on 26.6.2023 at 11 a.m. and no separate notice for the said purpose is necessary. The Respondent no.1 thereafter to procure the relevant record and decide the revision in 60 days thereafter.

7] Rule is made absolute in above terms. No costs.

JUDGE Digitally sign by RAJESH
K. SANTRAO JALIT
Location:
Signing Date: 12.06.2023 19:01