

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

WRIT PETITION (WP) NO.54 OF 2020

- 1) Jaybhole Swayamsahayata Mahila Bachat
Gat, Mouja Poha, Taluka Karanja, Dist.
Washim Through its President Sau. Savita
Mahadeo Patil,
Age 42 yrs, Occ. Agril,
R/o. Village Poha, Taluka Karanja,
District : Washim.

.... Petitioner(s)

// VERSUS //

- 1) State of Maharashtra,
Through its Secretary Ministry of
Food and Civil Supply and Consumer
Protection, Mantralay, Mumbai-32
- 2) Divisional Commissioner [Civil Supply],
Amravati, Amravati Division, Amravati,
Office at Nagpur Road, Amravati
- 3) District Supply Officer, Washim
Office at Collectrate Washim,
Taluka and District Washim
- 4) Renuka Mata Swayamsahayata Mahila
Bachat Gat, Through Its President, Village
Poha, Taluka Karanja, District Washim

... Respondent(s)

Ms Rani Nitnaware, Advocate for the Petitioner/s
Ms H.N. Jaipurkar, AGP for the Respondent Nos.1 to 3/State
Mr. S.D. Tatke, Advocate for the respondent No.4

**CORAM : ANIL S. KILOR, J.
DATED : 09.08.2023**

ORAL JUDGMENT :

1. Heard.
2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.
3. This matter pertains to allotment of Fair Price Shop as per the Government Resolution dated 06.07.2017 to Mahila Bachat Gat.
4. In the matter at hand a women Gramsabha was called 13.03.2018. In the said Gramsabha a resolution was passed in favour of the petitioner-Mahila Bachat Gat and accordingly, after considering the other requirements, a Fair Price Shop was allotted to the petitioner by order dated 23.05.2018 issued by the District Supply Officer, Washim.
5. The respondent No.4 raised a challenge to the same before the Additional Commissioner (supply), Amravati, who vide order dated 30.03.2019 set aside the said order on the ground that the Gramsabha was not properly held and accordingly, he remanded the matter with a direction to hold Gramsabha once again and thereafter, a decision be taken about allotment of Fair Price Shop.

6. Thus, the order dated 30.03.2019 passed by the Additional Commissioner (supply) was the subject matter of challenge before the Hon'ble Minister who vide impugned order dated 31.07.23019 rejected the revision application, preferred by the petitioner and directed to allot the Fair Price Shop in favour of the respondent No.4.

7. Surprisingly at the same time the Hon'ble Minister maintained the order of the Additional Commissioner (supply), Amravati dated 30.03.2019, directing to hold fresh Gramsabha and thereafter, take a decision of allotment of Fair Price Shop.

8. Thus, it is apparent on the face of the clause (2) of the impugned order dated 31.07.2019 and the order passed by the Additional Commissioner (supply), Amravati, which was confirmed by the Hon'ble Minister, do not go hand in hand.

9. Moreover, it is evident that the order of the Additional Commissioner (supply) was not challenged by the respondent No.4, seeking allotment in its favour. Despite the said fact, the Hon'ble Minister exceeding its jurisdiction in revision filed by the

petitioner, the relief was granted in favour of the respondent No.4 by directing the Authorities-below to allot a Fair Price Shop in favour of the respondent No.4. Hence, it is contrary to law. Accordingly, I pass the following order:

- (i) The writ petition is **allowed**.
- (ii) The order dated 31.07.2019 passed by the Hon'ble Minister, Food and Civil Supply and Consumer Protection, Mantralay, Mumbai-32, is hereby quashed and set aside.
- (iii) The order dated 30.03.2019 passed by Additional Commissioner (supply), Amravti, is hereby confirmed and thereby it is directed to the respondent No.3/District Supply Officer, Washim to take steps in compliance with the order of the Additional Commissioner (supply), Amravati dated 30.03.2019, within four months from today.

Rule accordingly. No costs.

[ANIL S. KILOR, J.]