



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4412 OF 2017

PRAKASH SADSHIVRAO JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S. G. Jadhavar, Advocate for the petitioner
Mr. V. S. Badakh, AGP for the respondent/State

CORAM : S. G. CHAPALGAONKAR, J.
DATE : 27th AUGUST, 2024

P.C. :-

1. Heard Mr. Jadhavar, learned advocate appearing for the petitioner.
2. The petitioner impugns the order passed by the Hon'ble Minister Food, Civil Supply and Consumer Protection Department Mantralaya Mumbai in Revision No. VAM-1010/P.K.531-10/Civil Supply 21 dated 05/05/2012.
3. Mr. Jadhavar, learned Advocate appearing for the petitioner submits that the petitioner was license holder of fair price shop. His authorization was canceled without following due process of law. He assailed the order of cancellation of his license before the Deputy Commissioner, Aurangabad, however, his revision application was dismissed. Thereafter, the petitioner approached the Hon'ble Minister in

Revision Application No. VAM-1010/P.K.531-10/Civil Supply 21. He was noticed to remain present for hearing on 21/12/2010. Accordingly arguments were advance before the Hon'ble Minister. However, the final order dated 05/05/2012 has been passed after more than 17 months. He would submit that the Hon'ble Minister ought to have passed the order within a period of 60 days from the date of hearing. The order passed after the period of 17 days from the date of hearing cannot be sustained in law. In support of his submission he relies upon order passed by this Court in **Writ Petition No. 1297/2013 for case of Devidas s/o Kisan Gholve Vs. State of Maharashtra and others**, wherein this Court observed in paragraph no.6 which reads thus:

"6. It is trite that the judgment normally has to be pronounced expeditiously after hearing and preferably within sixty days. In the present matter, the order is passed after one and half year. On this count itself, I am setting aside the impugned order."

4. Mr. Jadhavar, learned advocate would, therefore, urge that the matter may be remitted back to the Hon'ble Minister for taking decision afresh after granting opportunity of hearing to the petitioner.

5. Learned AGP opposes the prayer. He would submit that authorities have concurrently held that the applicant was guilty of misconduct while running the fair price shop. Consequently, the action is being taken against him. He would submit that if the merits of the

matter are considered, the petitioner has no case and no prejudice is cause to him.

6. Having considered submissions advanced it is apparent that the Hon'ble Minister had heard parties on 21/12/2010 and closed Revision for orders. However, the final judgment and order is passed on 05/05/2012 i.e. after 17 months. The record also indicates that even after passing such order the petitioner was noticed by Tahasildar that hearing of his Revision is scheduled on 06/03/2013 before the Hon'ble Minister. The circumstances on record creates doubts as regards the actual date of the order passed by the Hon'ble Minister. Mr. Jadhavar, learned advocate is right in contending that it was obligatory on the part Hon'ble Minister to pass the order within a period of sixty days once the hearing of Revision was concluded. In the present case, the timeline is not observed. Therefore, the impugned order cannot be sustained in law and liable to be quashed and set aside. Hence, following order.

ORDER

- (i) Writ Petition is partly allowed.
- (ii) The impugned order dated 05/05/2012 in Revision Application No. VAM-1010/P.K.531-10/Civil Supply 21 is quashed and set aside.
- (iii) The matter is relegated back to the Hon'ble Minister who

shall decide revision application within a period of six (06) months from the date of this order after granting opportunity of hearing to the petitioner and all concerned.

(iv) The petitioner shall appear before the Hon'ble Minister on 09/09/2024 and put up his submission.

(v) The Hon'ble Minister may hear the parties on same day or schedule date for further hearing as per convenience.

(S. G. CHAPALGAONKAR, J.)

ssp