

rrpillai

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4901 OF 2023**

Lahanu Chandrabhan Toche ... Petitioner

Vs.

The State of Maharashtra through ... Respondents
Secretary of Food Civil Supply and
Consumer Protection Department and Others

Mr. Sharad T. Bhosale for the Petitioner.

Mr. Pratik B. Rahade for Respondent No. 4.

Mr. C. D. Mali, AGP for the State.

CORAM : GAURI GODSE, J.

DATE : 19th JANUARY 2024

P.C.

1. Heard.

2. This petition challenges the order dated 29th June 2022 passed by the State Government in Revision Application filed by respondent no.4. By the impugned order District Supply Officer, Nashik is directed to record statements of 25% card holders of respondent no. 4's shop and after carrying out due inquiry, the allegation against respondent

no. 4 is directed to be examined after following due procedure of law. By the impugned order, the order canceling the license of respondent no. 4 is set aside and the District Supply Officer, Nashik is directed to carry out an inquiry after following due procedure in law and accordingly take necessary action.

3. Learned counsel for respondent no. 4 states that in view of the impugned order, the inquiry is already been carried out and the report is submitted to the Collector and is pending for further action.

4. Learned counsel for the petitioner supports the order cancelling the license of respondent no. 4 which was impugned before the State Government on the ground that all the necessary procedures were followed during the first inquiry and even statements were recorded. Hence there was no reason to direct fresh inquiry.

5. I have perused the papers as well as the impugned order and the order passed against respondent no. 4. Perusal of the papers does not indicate that during the first inquiry statements of all the card holders of respondent no. 4 were recorded. It appears that the proceedings were initiated only on the complaint filed by the petitioner

who is the Sarpanch of the concerned Gram Panchayat. It further appears that only statements of the petitioner and the family members of respondent no. 4 were recorded.

6. In view of the aforesaid, I do not find that the impugned order directing fresh inquiry after following due procedure of law is illegal. I do not find any infirmity or illegality in the reasons recorded in the impugned order.

7. There is no merit in the petition, hence the petition is dismissed.

[GAURI GODSE, J.]