



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

<u>WRIT PETITION NO.4933/2021</u>	
<u>PETITIONER</u> <u>(Ori. Applicant)</u>	Nagorao S/o Shivaji Punde, Aged about 45 years, Occupation : Cultivator, R/o Veni (Bk.), Tah. Mahagaon, District – Yavatmal.
<u>...VERSUS...</u>	
<u>RESPONDENTS</u> <u>(Ori. Non-Applicants)</u>	1) Deputy Commissioner (Supply) Amravati Division, Amravati. 2) District Supply Officer, Yavatmal, District – Yavatmal. 3) Marotrao S/o Yadavrao Punde, Aged : Adult, Occu. Fair Price Shop Licence Holder. 4) Gajanan S/o Gulabrao Punde, Aged : Adult, Occu. Agriculturist. Nos.3 & 4 Both R/o Veni (Bk.), Tq. Mahagaon, District – Yavatmal. 5) Tahsildar, Mahagaon, Tq. Mahagaon, District Yavatmal.
Mr. S.U. Nemade, Advocate for petitioner Mr. J.Y. Ghurde, AGP for respondent nos.1, 2 and 5 Mr. J.S. Wankhede, Advocate for respondent no.4	

CORAM : BHARAT P. DESHPANDE, J.

DATE : 06/03/2024

ORAL JUDGMENT

1. Heard. Rule. Rule made returnable forthwith. Heard learned counsel for the parties with consent for final disposal.

2. Mr. Nemade, learned counsel for the petitioner would submit that the main challenge against the impugned order dated 20/04/2020, passed by the Deputy Commissioner (Supply) – respondent no.1, is that he has passed the said order without giving an opportunity to the petitioner though the statement of the petitioner was recorded by the Enquiry Officer deputed by the Tahsildar.

3. Mr. Ghurde, learned Assistant Government Pleader appearing for the State would submit that since the petitioner was not given opportunity by the respondent no.1 – Deputy Commissioner (Supply), in the interest of justice, such order could be quashed and set aside and the matter could be remanded to the said authority for deciding it afresh and by giving opportunity to the petitioner and respondent nos.3 and 4.

4. Since it is observed that the respondent no.1 while deciding the said proceedings filed by the respondent no.3, failed to give an opportunity to the petitioner, in the interest of justice, such order needs to be quashed and set aside and the matter is required to be remanded to the respondent no.1 for deciding it afresh. Needless to mention that this Court has not gone into the merits of the matter and all contentions of all parties are kept open.

5. The writ petition is partly allowed. The impugned order passed by the respondent no.1 – Deputy Commissioner (Supply) Amravati Division, Amravati is hereby quashed and set aside and the matter is remanded back to the respondent no.1 for deciding it afresh. The respondent no.1 to decide the said matter by hearing the parties within a period of one month from the date of their appearance before him and the order shall be communicated to the parties within the said period of one month.

6. The parties shall appear before the respondent no.1 on 15/03/2024 at 11:00 a.m and shall cooperate with the concerned authority for deciding the matter on merit.

7. The respondent no.3, who is running the fair price shop, shall continue to run the said shop till the disposal of the said proceedings before the respondent no.1.

8. The writ petition stands disposed of in the above terms. Rule is made absolute in the aforesaid terms. No order as to costs. The parties to act upon the authenticated copy of this order.

(BHARAT P. DESHPANDE, J.)