



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 WRIT PETITION NO. 4388 OF 2022

DAGAJI BHAIKAS PATIL AND ANOTHER

VERSUS

RAMKRISHNA HANMANTRAO PATIL AND OTHERS

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Mr. B.R. Warmaa – Advocate for Petitioners

Mr. Ashwin V. Hon – Advocate for Respondent No.1

Mr. R.B. Dhaware – AGP for Respondent Nos.2 to 5, State

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 08.12.2025

PER COURT :

1. Heard learned Counsel – Mr. B.R. Warmaa for the petitioners, learned Counsel – Mr. Ashwin Hon for respondent No.1 and learned A.G.P for respondent Nos.2 to 5, State.

2. The petitioners challenge the order dated 24.01.2022 (Exhibit-E) passed by the Minister in respect of Fair Price Shop No.169, situated at village Dheku Kh., Tq. Amalner, Dist. Jalgaon, whereby the revision filed by respondent No.1 was partly allowed.

3. Learned Counsel for the petitioners submitted that complaints were filed by certain ration card holders against respondent No.1. Pursuant to the said complaints, the District Supply Officer, after considering the material on record, cancelled the license of Fair Price Shop. The same was

challenge in appeal before the Deputy Commissioner (Supply), Nashik, who confirmed the order of the District Supply Officer. There was an earlier round of litigation wherein the said order of Deputy Commissioner (Supply), Nashik was challenged by filing second revision before the learned Minister, who set aside the order passed by District Supply Officer and Deputy Commissioner (Supply), Nashik. The orders passed by the learned Minister are referred on page No.81 and 94 of this petition.

4. He further submits that the aforesaid action demonstrates a clear non-application of mind on the part of the concerned authority. Once the earlier proceedings were concluded, a fresh application was required to be considered independently and a fresh order was required to be passed. He therefore submits that order under challenge has been passed without considering the subsequent evidence and material on record and is a mirror copy of the earlier order passed by the learned Minister.

5. Learned Counsel for respondent No.1 pointed out that pursuant to order dated 24.01.2022, passed by the Minister a fresh enquiry was conducted and in the said enquiry nothing adverse was found against respondent No.1. In view of the said enquiry, the learned Minister has permitted respondent No.1 to continue running the Fair Price Shop. Learned Counsel further submits that the continuation of the Fair Price Shop be maintained.

6. Learned A.G.P for respondent Nos.2 to 5, State authorities,

supports the order passed by the State Government.

7. Having gone through the orders passed at page Nos.81 and 94, it reveals that the order under challenge is mirror copy of the earlier order. The initial proceedings were instituted in the year 2018, whereas the impugned order is of the year 2022, yet the preceding operative part of the orders is identical, which is illogical.

8. In fact, it is expected on the part of the learned Minister, while exercising quasi-judicial powers, to independently apply his mind. Passing of identical orders, defeats the very object of such power, especially when different stages of proceedings and *inter se* issues are involved. I am, therefore, inclined to quash and set aside the order under challenge and remand the matter to the learned Minister.

9. In view thereof the Writ Petition is partly allowed. The order dated 24.01.2022 (Exhibit-E) passed by the Minister, in respect of Fair Price Shop No.169, situated at village Dheku Kh., Tq. Amalner, Dist. Jalgaon, passed by respondent Nos.2 and 3 is quashed and set aside. The matter is remanded to the learned Minister to be decided afresh on its own merits without being influenced by its earlier orders.

10. The learned Minister is directed to decide the proceedings within six (6) months from today.

11. In view of the submission of learned Counsel – Mr. A.V. Hon for respondent No.1, the running of the Fair Price Shop by respondent No.1. shall be maintained subject to the outcome of the decision by the Minister in the remanded matter.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/