



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

934 WRIT PETITION NO. 10213 OF 2023

SANJAY GANPATRAO KHAMBAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY
AND OTHERS

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Advocate for the Petitioner : Mr. Dighe Praveen S.
AGP for Respondent Nos. 1 to 8/State : Mr. V.S.Badakh
Advocate for Respondent No. 9 : Mr. Kabade Vivek V.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 05.12.2025

PER COURT :

1. Heard Mr. Dighe, learned Counsel for the petitioner, Mr. Badakh, AGP for Respondent Nos. 1 to 8/State and Mr. Kabade, learned Counsel for Respondent No. 9 respectively.
2. The petitioner assails the order dated 03.05.2023 passed by Minister whereby, the order dated 28.08.2018 passed by Deputy Commissioner (Supply), Aurangabad was quashed and order dated 17.01.2022 passed by the District Supply Officer, Aurangabad was confirmed. The issue pertains to the license of Fair Price Shop issued by the State Government.
3. The learned Counsel for the petitioner submits that the license was issued to the father of the petitioner in the year 1977. On the contrary, the learned Counsel for the respondent No. 9 submits that the license was issued in the name of father of respondent No. 9 in the year

1966.

4. However, the said license was transferred in the name of two different persons. The dispute started in the year 2008, when respondent No. 9's father started receiving quota of food grains, which was challenged by the petitioner by filing Revision Application.

5. After getting knowledge of the said quota in the year 2008, the petitioner filed a Revision Application No. 125 of 2008 before the Deputy Commissioner (Supply), Aurangabad. The said revision was partly allowed and it directed the Additional Collector, Aurangabad to conduct re-inquiry. Against the order of Additional Collector, Aurangabad the petitioner filed Revision Application No.407 of 2010 before the Deputy Commissioner (Supply), Aurangabad, whereby, the District Supply Officer, Aurangabad was directed to conduct an inquiry. Against the said order, respondent No. 9 filed Writ Petition No. 13330 of 2019 before this Court, which was withdrawn by him with liberty to file Revision before the State Government. Respondent No. 9 filed a Revision before the Minister, whereby, the matter was remanded to the District Supply Officer, Aurangabad for fresh decision thereon.

6. The District Supply Officer, Aurangabad confirmed the Fair Price Shop License in favour of respondent No. 9. The petitioner assailed the said order by filing Revision Application No. 14 of 2022 before the Deputy Commissioner (Supply), Aurangabad, whereby, District Supply Officer, Aurangabad was directed to pass an appropriate order subject to the decision of Minister in the pending Revision Application. Being

aggrieved by the said order, petitioner filed Revision before the Minister, which was dismissed and the order dated 28.08.2018 passed by the Deputy Commissioner (Supply), Aurangabad was quashed and order dated 17.01.2022 passed by the District Supply Officer, Aurangabad came to be confirmed.

7. The above recorded facts are not disputed by learned APP and learned Counsel for respondent No. 9.

8. The dispute is regarding who holds the right over the License of the Fair Price Shop.

9. The license is granted to provide essential commodities to the poor persons under the policy of the State Government. It appears that two persons are claiming right over the same license. There is no dispute about the fact that the record shows the license in the names two different persons and it cannot be held conclusively that who is the real holder of the license. Therefore, the possibility cannot be ruled out that the officers from the Supply Department are also involved in it.

10. The learned AGP placed on record copy of Government Resolution dated 22.12.1997, wherein, Clause-E of the said policy provides that if license is not issued in the name of any of the person within 3 months, the authority shall issue fresh proclamation.

11. Therefore, I deem it proper to direct the District Supply Officer, Aurangabad to issue fresh proclamation for issuance of Fair Price Shop license at Umrawati, Tq. Phulambri, Dist. Chhatrapati Sambhajinagar without being influenced by the order passed by the

authorities and the Minister who granted license in favour of respondent No. 9.

12. To conclude this long standing dispute, the District Supply Officer, Aurangabad is directed to complete the process of allotment of new Fair Price Shop at villageat Umrawati, Tq. Phulambri, Dist. Chhatrapati Sambhajanagar within a period of 3 months from today.

13. The orders passed by all the authorities are hereby quashed and set aside and also the license in question shall not be operational in favour of petitioner and respondent No. 9 both.

14. In view thereof, the Writ Petition is disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

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