



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

42 WRIT PETITION NO. 5890 OF 2021

Dhandai Mahila Bachat Gat Through President Rohini Kalyan Pawar
VERSUS
The Honble Minister Food Civil Supplies And Consumer Protection And
Others

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Advocate for the Petitioner : Mr. M. V. Bhamre
AGP for Respondent-State : Mr. P. D. Patil
Advocate for Respondent No.7 : Mr. A. D. Pawar

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CORAM : KISHORE C. SANT, J.

DATED : 13th MARCH, 2025.

P. C. :-

. Heard the parties. Taken up for final disposal at the admission stage.

2. The challenge in the petition is to an order passed by the learned Minister and Food Civil Supplies and Consumer Protection dated 09.01.2028, dismissing the revision of the petitioner-Dhandai Mahila Bachat Gat thereby confirming the order passed by the learned Additional Commissioner Nashik, Division Nashik rejecting revision application No. 38/2016 by its order dated 19.12.2016.

3. The facts, in short, are that the fair price shop was allotted to the petitioner, Dhandai Mahila Bachat Gat, at village Humbarde, Tal.

Shindkheda, Dist. Dhule. Complaints were filed by seven members of the Bachat Gat and other villagers regarding mismanagement of the fair price shop. The main complaints included non-distribution of food grains, failure to provide the complete quantity of food grains, non-issuance of receipts, and inappropriate behavior of the person managing the fair price shop etc.

4. Upon receiving the complaints, the Tahsildar conducted an inquiry and submitted a report to the authorities. The District Supply Officer, after verifying the Tahsildar's reports based on the statements of persons from village, cancelled the fair price shop license of the petitioner. The petitioner challenged this order before the Additional Commissioner, Nashik. The matter was remanded for a fresh inquiry. Even after remand, the Learned District Supply Officer upheld the cancellation. The petitioner challenged the order before the Additional Commissioner, who partly allowed the revision and remanded the matter back to the Learned DSO. The Learned DSO confirmed the cancellation second time. The petitioner then approached the Learned Minister, who rejected the revision by the impugned order. However, the petitioner filed a review against this order. The Learned Minister, by order dated 19.11.2018, partly allowed the review application.

5. The order of the Hon'ble Minister was challenged by Respondent No.7 by filing writ petition bearing No.3178/2019 before this Court. By order dated 09.09.2019, this Court allowed the writ petition, holding that a review is not maintainable, but granted liberty to challenge the present impugned order. Consequently, the petition is filed before this Court.

6. Mr. M.V. Bhamre, learned Advocate, argued vehemently for the petitioner. He submits that the authorities wrongly recorded findings against the petitioner. Affidavits have now been filed by five members stating that they signed the papers under the impression that an application was being filed to enhance the quota of the ration shop. He thus submits that the entire exercise based on such false complaints is illegal and against the report.

7. Mr. A.D. Pawar, learned Advocate for respondent No.7, argued that seven members of the vary Bachat Gat filed complaints, and the authorities rightly considered all aspects of the matter. He submits that the affidavits now relied upon by the petitioner cannot be trusted, as they were never part of the proceedings before the authorities and were prepared only after the order is passed by the Learned Minister. He thus prays for the rejection of the writ petition.

8. The learned AGP also supports the order passed by the learned Minister and prays for dismissal.

9. This Court has gone through the order passed by the Additional Commissioner, Nashik dated 19.12.2016. It is seen that, the said authorities had considered all the aspects involved in the matter. He specifically recorded that the complaints were made by the villagers on the basis of enquiry. He recorded that no receipts were issued to the persons to purchase the food grains. No proper record is maintained. The behavior of the persons running the shop is not proper. He further considered that in the month of June 2014 and July 2014, no food grains were distributed. No record is appearing in the Ration Card of the persons. Though, it is tried to submit that, the quantity of July 2014 was received in the month of August 2014. However, it may be true that for the month of July, the food grains were not received. There is no satisfactory explanation given as to why the food grains of the month June 2014 were not distributed. There is no record available about issuance of receipts. The learned Additional Commissioner thus, passed the order. It is seen that the learned Minister though has not considered all the materials in detail. However, there is no ground made out for calling any interference in the order passed by the learned

Minister.

10. It is now reported that since 2019, the quota is diverted to some other shop for distribution. This Court does not find any reason to interfere with the impugned judgment and order. The writ petition, therefore, stands dismissed. No order as to costs.

(KISHORE C. SANT, J.)

PRW