



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1040 WRIT PETITION NO. 11434 OF 2023
WITH
CIVIL APPLICATION NO. 7566 OF 2024
IN WP/11434/2023

1. Jai Adivasi Mahila Self Help Group, Bhoiti
Through its President,
Smt. Anubai Ratilal Paware,
Age; 28 years, Occ; Household,
R/o; Village Bhoiti Tq. Shirpur
District; Dhule.
2. Jay Adivasi Mahila Self Help Group, Bhoiti,
Through its Secretary,
Smt. Meerabai Bhuwansing Paware,
Age; 35 years, Occ; Household,
R/o; Village Bhoiti, Tq. Shirpur,
District Dhule.

...PETITIONERS.

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Food, Civil Supplies and Consumer
Protection, Mantralaya, Mumbai.
2. The Hon'ble State Minister,
Food, Civil Supplies and Consumer
Protection, Mantralaya, Mumbai,
3. The District Supply Officer,
Dhule Tq. & Dist. Dhule.
4. The Tahsildar, Shirpur,
District Dhule.
5. Smt. Tufanibai Prakash Pawara,
Age; 52 years, Occ; Business,
R/o; Village Bhoiti Tq. Shirpur,
District Dhule

...RESPONDENTS

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Advocate for the Petitioners : Mr. Raje Vikrant P.
AGP for Respondent Nos. 1 to 3/State : Mr. P.P.Dawalkar
Advocate for Respondent No.5 : Mr. Patil Ujwal Subhash

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23.12.2025

ORAL JUDGMENT :

1. Heard. Rule. Rule is made returnable forthwith. Heard the petition finally with the consent of all the parties at the stage of admission.

2. By way of present petition, the petitioners are assailing the order dated 03.05.2023 passed by learned Minister in Vai-a-na-1423/PraKra-41/NaPu-23 whereby, the revision filed by respondent No. 5 came to be partly allowed, thereby setting aside the order dated 30.03.2016 passed by the Deputy Commissioner (Supply), Nashik Division, Nashik and order dated 04.01.2026 passed by the District Supply Officer, Dhule.

3. Initially, respondent No. 5 was having the license of the Fair Price Shop bearing No. 177 at village Bhoiti, Tahsil Shirpur, District Dhule. On 10.07.2014 Crime NO. 51/2014 came to be registered against respondent No. 5 at Police Station Shivpur, under Section 3 and 7 of the Essential Commodities Act, 1955. After making due inquiry the District Supply Officer, Dhule cancelled her license of Fair Price Shop, against which she preferred Revision before the Deputy Commissioner, Supply, Nashik Division, Nashik as per Revision Application No. 8 of 2016 which was dismissed on 30.03.2016. Aggrieved by the same, respondent No. 5

filed Revision before learned Minister and the same was also dismissed on 15.04.2017. Against such dismissal, respondent No. 5 filed Writ Petition No. 13513 of 2017 before this Court and the same was also dismissed on 31.01.2018, thereby confirming the order passed by the District Supply Officer, Dhule, Deputy Commissioner, Nashik and learned Minister.

4. Consequently, fresh proclamation was issued for granting Fair Price License and the Petitioner Bachat Gat was allotted Fair Price Shop license on 10.01.2022 by the District Supply Officer, Dhule. The respondent No. 5 again preferred Revision before learned Minister and the same was partly allowed on 03.05.2023, thereby setting aside the order dated 30.03.2016 passed by the Deputy Commissioner (Supply), Nashik and order dated 04.03.2016 passed by the District Supply Officer, Dhule.

5. The hearing in the Revision at second time before learned Minister was conducted on 21.04.2023. The learned Counsel for respondent No. 5 placed on record a copy of Revision Application but it does not disclose the date of filing. After going through the order dated 03.05.2023 passed by the learned Minister, it reveals that hearing was conducted on 21.04.2023, wherein the District Supply Officer and the Deputy Commissioner, (Supply), (through his representative) were present.

6. The ground of acquittal from the Criminal Case was raised in the Revision filed second time. Surprisingly, in the earlier round of

litigation the orders of District Supply Officer and the Deputy Commissioner (Supply) were confirmed, which were subsequently set aside by the learned Minister. It is pertinent to note here that the respondent No. 5 had nowhere mentioned in her Revision Application that Writ Petition No. 13513 of 2017 was dismissed by the High Court, wherein, the issue of Fair Price Shop was dealt finally, thereby cancelling the Fair Price Shop License of Respondent No. 5. Respondent No. 5 has suppressed this material fact while filing the Revision.

7. The hearing in Second Revision was conducted on 21.04.2023 whereas the fresh Fair Price Shop license was already issued in favour of petitioner Bachat Gat on 10.01.2022, much before the hearing. Naturally, if the hearing was conducted on 21.04.2023, the Revision must have been filed prior to that. The said Revision was filed under Clause-24 of Maharashtra Scheduled Commodities (Regulation of Distribution) Regulations, 1975. In fact, the Revision on the same grounds had already been decided by the learned Minister, therefore, subsequent Revision filed, in absence of any specific provision, was not maintainable. It is a clear case where learned Minister has not applied his mind and pass the order in very mechanical manner. When earlier Revision was finally decided, there was no occasion for the learned Minister to entertain the subsequent Revision, therefore, I am inclined to allow the present petition, thereby setting aside the order passed by the learned Minister. Hence, I proceed to pass following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The order dated 03.05.2023 passed by learned Minister in Vai-a-na-1423/PraKra-41/NaPu-23 is quashed and set aside.
- (iii) The order dated 30.03.2016 passed by the Deputy Commissioner (Supply), Nashik Division, Nashik and the order dated 04.01.2026 passed by the District Supply Officer, Dhule are confirmed.
- (iv) Pending Civil Application is also disposed of.

8. Rule is made absolute in above terms.

(SIDDHESHWAR S. THOMBRE, J.)

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