

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5141 OF 2024

Swami Samarth Mahila Bachat Gat
Through Its Chairman Sunita
Sanjay Tiwari

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. P.A. Pol *i/b M/s. Pol Legal Juris for the Petitioner.*

Mr. P.G. Sawant, *AGP for Respondent Nos. 1 to 3-State.*

Mr. Ganesh Bhujbal *for Respondent Nos. 4 and 5.*

Mr. Chaitnya Wankhade, Rationing Officer, The Deputy Controller of Rationing, present.

CORAM: SANDEEP V. MARNE, J.

Dated: 6 MAY 2025.

P.C.:

- 1) Heard the learned counsel appearing for the parties.
- 2) Order dated 31 January 2024 passed by the Hon'ble Minister, Food Supplies and Consumer Protection, is challenged on the ground that notice of the proceedings was never served on the Petitioner. Order dated 31 January 2024 is passed in exercise of review jurisdiction by the Hon'ble Minister. The learned AGP

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has produced record and proceedings. After going through the record and proceedings, the learned AGP confirms the position that notice of the proceedings was never served on the Petitioner. Order dated 31 January 2024 has the effect of setting aside order dated 12 July 2023 passed in favour of the Petitioner. Since the order dated 31 January 2024 is passed behind the back of the Petitioner, same is liable to be set aside.

3) Order dated 31 January 2024 passed by the Hon'ble Minister is set aside. Proceedings are remanded before the Hon'ble Minister to be decided afresh after grant of opportunity of hearing to the Petitioner. Parties shall appear before the Hon'ble Minister on 26 May 2025 and shall obtain further directions for fixing of date (s) of hearing in the review proceedings. Review proceedings shall be decided by the Hon'ble Minister on its own merits without being influenced by order dated 31 January 2024 or the observations made in the present order.

4) With the above directions, Writ Petition is allowed and disposed of.

[SANDEEP V. MARNE, J.]