

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12662 OF 2024

Sadafule Mahila Swayamsahayata Bachatgat ... Petitioner

Versus

The State of Maharashtra through Govt. Pleader and ... Respondents
ors.

Mr. Pandit Kasar for the Petitioner.

Ms. S. S. Bhende, AGP for the Respondent - State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 30 JANUARY 2025

P.C.

1. This Petition under Article 226 of the Constitution of India is filed
praying for the following reliefs :-

- (a) *By order of this Hon'ble Court, the writ of mandamus or any other appropriate writ may be issued thereby directing the Respondent Authorities to allot Shop No.1 in Sinnar area as per allotment / order/ communication dated 08/11/2023 as published by the District Collector of Nashik under its District Supply department bearing No. SUPPLY/OFFICE/8(2)/9/66/1804/2023 in favour of the Petitioner Bachatgat within the period of eight days;*
- (b) *By order of this Hon'ble Court, during the pendency of the present Writ Petition, writ of mandamus or any other appropriate writ may be issued thereby directing the Respondent Authorities to allot Shop No.1 in Sinnar area as per allotment / order/ communication dated 08/11/2023 as*

published by the District Collector of Nashik under its District Supply department bearing No. SUPPLY/OFFICE/8(2)/9/66/1804/2023 in favour of the Petitioner Bachatgat .

2. We heard the proceedings yesterday, when we adjourned the same for today, to enable Miss Bhende, the learned AGP to take instructions in regard to the Petitioner's contention that the Order dated 3 November 2023 allotting the ration shop to the Petitioner not being implemented.

3. Ms. Bhende has taken instructions. She submits that the Order dated 18 December 2023 is passed by the District Supply Officer, Nashik which is in pursuance of the order passed by the State Government on the proceedings of one Tulshi Mahila Bachhat Gat who was initially conducting fair price shop No.1, which earlier being cancelled, is now restored to Tulshi Mahila Bachhat Gat. It is contended that merely on the cancellation of the shop as allotted to them, the petitioner had got a chance of conducting the said shop as allotted to Tulshi Mahila Bachhat Gat which now stands restored to the said original Tulsee Mahila Bachhat Gat. Her contention is that by virtue of the order dated 18 December 2023 an approval granted to the petitioner to conduct the said ration shop, was cancelled. A copy of the communication dated 18 December 2023 is placed on record. Ms. Bhende submits that consequent thereto, a communication dated 9 July 2024 was addressed by the office of the District

Collector, Nasik (District Supply Department) informing the petitioner of the cancellation of the Petitioner's fair shop under the order dated 8 November 2023, on the basis of which the present petition has been filed.

4. All documents as tendered by Ms. Bhende and as noted by us, are taken on record and copy of which are also served upon the Advocate for the Petitioner.

5. In this view of the matter, in our opinion, the only remedy to the Petitioner is to assail the order dated 18 December, 2023 whereby the Petitioner's fair price shop has been cancelled by the consequential communication dated 9 July, 2024.

6. We, accordingly, dispose of the present Writ Petition, however, liberty to the Petitioner to resort the appropriate proceedings as the law may permit.

7. All contentions in that regard are expressly kept open.

8. Writ Petition is disposed of. No order as to costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)