



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO.449/2025

Wasudev Pandurang Rathod .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. P. S. Kadam, Advocate for petitioner.
Mr. H. R. Dhumale, A.G.P. for respondent Nos. 1 to 4.
Mr. T. Deshpande, Advocate for respondent No.5.

CORAM : ANIL L. PANSARE, J.

DATE : MARCH 5, 2025

On 05.02.2025, following order was passed.

"The contention is that respondent no.2 has passed the impugned order without giving opportunity of hearing to the petitioner.

2] The learned Counsel for the petitioner submits that the petitioner had filed application/ complaint before respondent no.2 seeking cancellation of fair price license granted to respondent no.5. This grievance has been decided without giving opportunity of hearing to the petitioner and his application came to be dismissed.

3] Issue notice to the respondents returnable on 5/3/2025.

4] The learned A.G.P. waives notice for respondent nos. 1 to 4."

2. Counsel for the petitioner submits that respondent No.2 should be replaced by respondent No.4 because the impugned order has been passed by respondent No.4. Learned A.G.P. does not dispute such status.

3. Thus, it appear that there occurred inadvertent error in order dated 05.02.2025. 'Respondent No.2' mentioned in the said order be replaced by 'respondent No.4'. Corrected copy be uploaded immediately.

4. Learned A.G.P., on instructions submits that since the petitioner was present in the earlier round of litigation, respondent

No.4 did not feel it necessary to give further opportunity to the petitioner while passing the impugned order.

5. Thus, it appears that while passing impugned order, respondent No.4 failed to give opportunity of hearing to the petitioner.

6. As such, the counsel for respondent No.5 made an attempt to justify the order. However, he failed to show that opportunity of hearing was given to the petitioner while passing the impugned order.

7. That being so, order impugned will not stand to the scrutiny of law inasmuch as the principles of natural justice has been not adhered to.

8. In view thereof, the writ petition is partly allowed. Impugned order dated 12.08.2024 passed by District Supply Officer, Buldhana in Complaint Case No.820/2024 is quashed and set aside. Complaint Case No.820/2024 is restored on the file for respondent No.4, who shall decide it afresh, in accordance with law and what has been stated in the body of order.

The parties shall appear before respondent No.4 on 10.03.2025.

Considering the fact that the issue involved relates to distribution of ration to the poor persons, respondent No.4 shall decide the complaint, as expeditiously as possible and, in any case, within eight weeks from today. Parties shall cooperate for early disposal of the complaint.

With above observations, the writ petition is disposed of. No order as to costs.

(Anil L. Pansare, J.)