



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3802 OF 2023

Rajpalsingh Laxmansingh Thakur
aged about 67 yrs, Occ:Agriculturist,
R/o Malegaon Bazar, Tq. Telara,
Dist Akola.

.. Petitioner

Versus

1. State of Maharashtra, though
Hon'ble Minister, Ministry of
Consumer Affair, Food and Public
Distribution, Mantralaya, Mumbai 32
 2. Deputy Commissioner (Supply)
Amravati Division, Amravati
 3. District Supply Officer, District
Collector Akola
 4. Sanjay Vishwasrao Chikte
aged about 55 yrs, Occ: Agriculturist
 5. Omprakash Rajkumar Jhunhunwala
aged about 55 yrs, Occ: Agriculturist
- Both the respondent Nos.4 and 5 are
resident of Malegaon Bazar,
Tq.Telhara, Dist Akola

.. Respondents

Mr. A.B. Mirza, Advocate for petitioner.

Ms. Mrunal Naik, A.G.P. for respondent Nos.1 to 3.

Mr. V.B. Bhise, Advocate for respondent Nos.4 and 5.

CORAM : ROHIT W. JOSHI, J.

DATED : DECEMBER 16, 2025

ORAL JUDGMENT

(1) **Rule.** Rule made returnable forthwith. Heard finally with the consent of the learned counsel appearing for the parties.

(2) The present petition takes an exception to order dated 01/09/2021 passed by respondent No.3 the District Supply Officer, Akola whereby recovery of the amount of market price of 22.40 quintals of food grains is passed against the petitioner on the ground that although a card holder, namely, Shobha Gavai had expired on 17/05/2013, food grains were lifted against her name till September 2018. The petitioner has also challenged order dated 03/01/2022, passed by Deputy Commissioner (Supply), Amravati Division, Amravati, whereby his revision challenging the said order came to be dismissed and order of cancellation of license came to be passed against him. The petitioner further challenges order dated 13/06/2023 passed by the Hon'ble Minister Food, Civil Supply and Consumer Protection, Government of Maharashtra, whereby the revision preferred by him came to be dismissed.

(3) Learned counsel for the petitioner contends that the order passed by the Hon'ble Minister demonstrates that it is without application of mind. He points out that although the present petitioner is appellant in the revision preferred before the Hon'ble Minister, names

of respondent Nos.4 and 5 and one Sanjay Chikte are shown as applicants.

(4) The ground on which initial order of recovery of amount was made against the petitioner and thereafter his license came to be cancelled is that although a card holder namely, Shobha Gavai had expired on 17/05/2013, food grains were lifted against her card till the month of September, 2018. Perusal of the impugned order will demonstrate that the Authority has not recorded clear finding in this regard. Reference is made to allegation and observations in certain enquiry reports, however, a clear finding of fact with respect to alleged wrong committed by the petitioner is not recorded.

(5) It is further pertinent to note that although the District Supply Officer has only passed an order of recovery of amount, in revision preferred by the present petitioner, an order adverse to his interest came to be passed since the license of the petitioner was ordered to be cancelled. Perusal of the order passed by the Hon'ble Minister also demonstrate that clear finding of fact as regards alleged misconduct committed by the petitioner is not recorded. It is also apparent that the Hon'ble Minister has recorded the names of the complainants as revision petitioners although the revision was filed by the present petitioner. In order to hold him guilty, the Authorities should have recorded a finding that although the petitioner was aware

about the demise of the said card holder (Shobha Gavai), he had lifted food grains against her card. It was also necessary to deal with the contention of the petitioner that the family members of deceased card holders have received food grains for the relevant period. Such finding is also not recorded.

(6) Mr.Bhise, learned counsel for the respondent Nos.4 and 5 has drawn my attention to the affidavit-in-reply along with which list of card holders and death certificates of 21 such card holders is annexed. He contends that it is inconceivable that the petitioner who runs a fair price shop in small village is not aware about the demise of 21 persons within his distribution area. He further contends that the petitioner is in a habit of lifting food grains against the cards of deceased card holders.

(7) As recorded above, a clear finding of fact of misconduct committed by the petitioner was not recorded any of the authorities, however, the allegations in the reply filed by the respondent Nos.4 and 5 are also serious in nature. In that view of the matter, in the considered opinion of this Court, the impugned orders are liable to be quashed and set aside. It is also necessary to issue a direction to respondent No.3/District Supply Officer, Akola to hold inquiry into the matter and to take a fresh decision. In addition to the allegation of lifting of food grains by the petitioner in the name of deceased card

holder-Shobha Gavai, the District Supply Officer shall also take into consideration the allegation that the petitioner has also lifted food grains in the name of other deceased card holders and has not distributed food grains to their family members.

(8) The parties to appear before the District Supply Officer on **05/01/2026**. The parties to note that separate notice of appearance will not be issued.

(9) The District Supply Officer is directed to decide the application after giving fair opportunity of hearing to both sides, as early as possible and in any case before **30/04/2026**. Both parties can file appropriate documents, if any, on record in support of their contentions. The District Supply Officer is directed to pass a reasoned order dealing with all contentions.

[ROHIT W. JOSHI, J.]

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