



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

WRIT PETITION NO.5377 OF 2024

1. Rajesh S/o Antaram Suryawanshi
Aged about 54 years, Occ: Agriculture Labour,
R/o Wadegaon, Post Tahsil Sadak Arjuni,
Dist. Gondia.
2. Mahadeo s/o Chintaman Mendhe
Aged about 62 years, Occ: Agriculture Labour,
R/o Wadegaon, Post Tahsil Sadak Arjuni,
Dist. Gondia.
3. Vasant Janiram Munishwar
Aged about 69 years, Occ: Agriculture Labour,
R/o Wadegaon, Post Tahsil Sadak Arjuni,
Dist. Gondia.
4. Udaram s/o Paikugudi Meshram
Aged about 68 years, Occ: Agriculture Labour,
R/o Wadegaon, Post Tahsil Sadak Arjuni,
Dist. Gondia.
5. Ramdas Tukaramji Bawne
Aged about 62 years, Occ: Agriculture Labour,
R/o Wadegaon, Post Tahsil Sadak Arjuni,
Dist. Gondia.

...PETITIONERS

...V E R S U S...

1. The State of Maharashtra, through its Secretary
Ministry of Food, Civil Supply & Consumer
Protection Department, Mantralaya, Mumbai.
2. The Deputy Commissioner (Food),
Nagpur Division, Nagpur.
3. The Food Supply Officer, Gondia.
4. Giripal Tarachand Fule,
Aged about 55 years, Occ: Fair Price
Shop Keeper, R/o Wadegaon, Post Tahsil
Sadak Arjuni, Dist. Gondia.

...RESPONDENTS

Shri B.M. Kharkate, Advocate for petitioners.
Shri A.M. Ghogare, A.G.P. for respondent nos.1 to 3.
Mrs. A.R. Taiwade, Advocate for respondent no.4.

CORAM:- M.W. CHANDWANI, J.
DATED :- 05.03.2026

ORAL JUDGMENT:

1. **Rule.** Rule made returnable forthwith. Heard finally with the consent of both parties.

2. By this petition, the petitioners, who are residents of village Wadegaon, raises a challenge to the order dated 06.08.2024 passed by respondent no.1-The State of Maharashtra, through its Secretary, Ministry of Food, Civil Supply and Consumer Protection Department, Mumbai (for short, “Hon’ble Minister”) thereby allowing the revision application bearing Case No.VAM-1024/P.K. 101/NP.21 filed by respondent no.4 and quashing the orders passed by respondent no.3 – the District Supply Officer, Gondia as well as respondent no.2-the Deputy Commissioner (supply), Gondia.

3. The controversy arises from the proceedings initiated before the District Supply Officer with regard to running of the Fair Price Shop by respondent no.4 at Mouza Wadegaon, Tahsil Sadak Arjuni, District Gondia. Having observed various

irregularities in the running of the fair price shop by respondent no.4, the District Supply Officer passed order dated 17.01.2024, thereby cancelling the license of respondent no.4 and directed recovery of ₹5,04,942/- from respondent no.4. This order was subjected to challenge by respondent no.4 before the Deputy Commissioner (Supply) which was dismissed by order dated 09.02.2024. Respondent no.4 thereafter challenged the aforesaid orders before the Hon'ble Minister. The Hon'ble Minister vide impugned order modified those orders and the order of recovery of economic cost of ₹5,04,942/- was uphold and set aside the order of cancellation of licence and instead imposed penalty of ₹5,000/-.

4. Shri Kharkate, learned counsel for the petitioners vehemently submitted that, despite serious irregularities committed by respondent no.4 in running of his Fair Price Shop, the revision application is allowed and the license is restored by the impugned order. He submitted that, the card holders have earlier submitted repeated complaints against the running of the fair price shop mentioning serious irregularities on the part of respondent no.4. He submitted that the petitioners who are villagers are the ultimate sufferers and are constrained to file the instant petition for agitating their grievance. He submitted that,

the Hon'ble Minister has imposed penalty of ₹5,000/- on respondent no.4 for the irregularities committed and thus restoration of his license was unwarranted.

5. Mrs. A.R. Taiwade, learned counsel for respondent no.4 vehemently opposed the petition and submitted that the petitioners had no locus to file the petition. She submitted that, respondent no.4 is running the fair price shop since many decades and it is the only source of his livelihood as rightly observed by the Hon'ble Minister. She also submitted that, the amounts ordered to be recovered from respondent no.4 are already paid and as such, the petition deserves to be dismissed.

6. While considering the rival contentions of the parties, it has to be seen that the District Supply Officer as well as the Deputy Commissioner (Supply) have concurrently observed that respondent no.4 had indulged into serious irregularities while running the fair price shop. The documents on record reveal that there are many complaints submitted by the card holders/villagers on basis of which, the cognizance was taken by the District Supply Officer. It has to be noted that, even the Hon'ble Minister has imposed a penalty of ₹5,000/- against respondent no.4 which itself demonstrates that there were irregularities in running of the fair

price shop by him. As such, in the wake of the inferences in that regard, the restoration of license by quashing the orders passed by the District Supply Officer and the Deputy Commissioner (Supply) was unwarranted.

7. Perusal of the impugned order shows, that Hon'ble Minister has given undue importance to the contentions of respondent no.4 that the fair price shop is the only source of his income. It has to be noted that various complaints have been lodged by the card holders/ villagers and the irregularities recorded by the District Supply Officer as referred in its order of cancellation of license requires particular consideration.

8. Having regard to the entire factual aspects of the matter, including the complaints lodged by the card holders/villagers, due consideration was required to be given to the controversy at hand which is found missing in the impugned order. Hence, the impugned order is unsustainable and deserves to be quashed and set aside. The interest of justice demands that the matter needs to be remitted to the Hon'ble Minister for fresh consideration. Hence, the following order is passed:

(i) The writ petition is partly allowed.

(ii) The impugned order dated 06.08.2024 passed by respondent no.1- The Hon'ble Minister is quashed and set aside.

(iii) The matter is remitted to respondent no.1-The Hon'ble Minister for deciding it afresh by giving an opportunity of hearing to the petitioner as well as respondent no.4.

9. Rule is made absolute in aforesaid terms.

(M.W. Chandwani, J.)

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