



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1029 OF 2025

Gram Panchayat Sagra, Through its Upsarpanch, Off. At
Mauja-Sagara, Tehsil Bhadravati, District Chandrapur.

PETITIONER

VERSUS

1. State of Maharashtra, Through Ministry of Food,
Civil Supplies and Consumer Protection, Mantralaya,
Room no.222, Food Civil Supplies and Consumer
Protection Department, madam Cama Road,
Mumbai – 400 032.
2. Deputy Commissioner (Supply), Nagpur, Division
Nagpur, Old Secretary Building, Samaj Kalyan Office
Rd, Civil Lines, Nagpur, Maharashtra 440 001.
3. District Supply Officer, Chandrapur.
4. Motiram Sitaram Marekar, Mauja-Sagara,
Tehsil Bhadravati, District Chandrapur.

RESPONDENTS

Mrs. Renuka S. Sirpurkar, counsel for the petitioner.
Shri H.R. Dhumale, Assistant Government Pleader for the respondent nos.1 to 3.
Mrs. A.R. Taiwade, counsel for the respondent no.4.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : FEBRUARY 05, 2026

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the parties.

2. By this petition, the petitioner-Gram Panchayat raises a challenge to the order dated 09.07.2024 passed by the Hon'ble Minister thereby allowing the revision application filed by the respondent no.4 and quashing the orders passed by the District Supply Officer as well as the Deputy Commissioner (supply), Nagpur.

3. The controversy arises from the proceedings initiated by the District Supply Officer with regard to running of the Fair Price Shop run by the respondent no.4 at Mouza Sagara, Tahsil Bhadravati, District Chandrapur. Having observed various irregularities in the running of the fair price shop by the licensee, the District Supply Officer passed order dated 16.05.2023 thereby cancelled the license of the respondent no.4 and directed recovery of Rs.1,45,194/- from the respondent no.4. This order was subjected to challenge by the respondent no.4 before the Deputy Commissioner (Supply) by way of revision which was dismissed by order dated 21.08.2023. The respondent no.4 challenged the aforesaid orders before the Hon'ble Minister, which came to be allowed by the impugned order and resultantly the license of the respondent no.4 stood restored.

4. Mrs.R.S. Sirpurkar, learned counsel for the petitioner-Gram Panchayat vehemently submitted that despite serious irregularities committed by the respondent no.4 in running of his Fair Price Shop, the revision application is allowed and the license is restored by the impugned order. She 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 the respondent no.4. she submitted that the petitioner-Gram Panchayat is constrained to file the instant petition for agitating the grievance of the villagers who are the ultimate sufferers. She submitted that even the Hon'ble Minister has imposed fine of Rs.5,000/- upon the respondent no.4 which is based on the inferences about the irregularities and thus restoration of license was unwarranted.

5. Mrs. A.R. Taiwade, learned counsel for the respondent no.4 vehemently opposed the petition and submitted that the petitioner-Gram Panchayat had no locus to file the petition since there is no resolution on record in that regard. She submitted that the 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 the 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), Nagpur have concurrently observed that the 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 the 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 Rs.5,000/- against the respondent no.4 which itself demonstrates that there were irregularities in the 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. A perusal of the impugned order shows that the Hon'ble Minister has given undue importance to the contentions of the respondent no.4 that the fair price shop is the only source of his income. It has to be noted that various complaints lodged by the card holders/

villagers and the irregularities recorded by the District Supply Officer as referred in the order of cancellation of license requires particular consideration. It is crucial to note that the Hon'ble Minister has quashed the orders passed by the District Supply Officer and the Deputy Commissioner (Supply) but, at the same time has imposed penalty of Rs.5,000/- upon the respondent no.4 which shows an inconsistent approach on the part of the Hon'ble Minister.

7. 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 from both the angles 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 09.07.2024 passed by the respondent no.1-Hon'ble Minister is quashed and set aside.
- III. The matter is remitted to the respondent no.1 for deciding it afresh by giving an opportunity of hearing to the petitioner as well as the respondent no.4.

8. Rule is made absolute in aforesaid terms. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)