

Court No. - 3

Case :- WRIT - C No. - 25010 of 2023

Petitioner :- M/S Radhey Radhey Enterprises

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Devbrat Mukherjee

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Shekhar B. Saraf,J.

1. It has been submitted that by the learned counsel for the petitioner that his case is squarely covered by the order which has been passed today by this Court in Writ - C No. 25003 of 2023 (Maa Vindhya Stone Crusher Company vs. State of U.P. and another).

2. Learned counsel for the petitioner states that in this case also by an order of the Court dated 8.8.2023 the petitioner had to submit its reply to the show cause notice. He submits that when the order was passed the petitioner had approached the District Magistrate on 14.8.2023 to give its reply but on that date the reply was not accepted and in fact the petitioner was handed over the impugned order dated 14.8.2023 by which penalty was imposed and the same was adjusted with the security amount deposited earlier by the petitioner.

3. Learned counsel for the petitioner submits that the enquiry as was conducted by the District Magistrate was not at all a valid one as no opportunity of hearing was granted to the petitioner and, therefore, the order impugned deserves to be set aside.

4. Learned Standing Counsel in this case also, supported the order passed by the District Magistrate and submitted that even if the

reply of the petitioner was not considered, the order was absolutely correct and should be kept intact.

5. Having heard the learned counsel for the petitioner and the learned Standing Counsel, we are of the view that not only have the principles of natural justice been violated but also the order dated 8.8.2023 of this Court was disregarded.

6. Under such circumstances, the order dated 14.8.2023 passed by the District Magistrate, Sonbhadra, is set aside. The writ petition is **allowed**.

7. The petitioner may now submit his reply afresh within a period of one week and, thereafter, it be provided a personal hearing. The District Magistrate, may after considering the reply of the petitioner, within the next one month adjudicate the issues as had been raised in the show cause notice.

8. It is, however, made clear that while considering the reply of the petitioner, i.e. at the time of enquiring into the allegations made in the show cause notice, the principles as have laid down in **2017 (1) ADJ 240 : Ranveer Singh vs. State of U.P. and 7 others** shall be followed in their entirety.

Order Date :- 21.11.2023

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(Shekhar B. Saraf,J.) (Siddhartha Varma,J.)