

**Court No. - 6**

**Case :-** WRIT - C No. - 34594 of 2023

**Petitioner :-** Mohammad Shan

**Respondent :-** State of U.P. and Another

**Counsel for Petitioner :-** Vishal Tandon

**Counsel for Respondent :-** CSC

**Hon'ble Mrs. Manju Rani Chauhan,J.**

Heard Mr. Vishal Tandon, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner challenging the order dated 14.08.2023 passed by the respondent no.2, i.e. Sub Divisional Officer, Tehsildar-Chandpur, District-Bijnor, suspending the fair price shop licence of the petitioner.

Against the suspension order, the petitioner has an appropriate statutory remedy of filing an appeal under paragraph 13 (1) of the U.P. Essential Commodities (Regulation of Sale and Distribution Control) Order, 2016.

However, learned counsel for the petitioner submits that in the suspension order, although an explanation has been called for from the licensee, the proposed punishment has not been mentioned.

Learned counsel for the petitioner has placed reliance upon the judgment and order dated 20.03.2018 passed by this Court in Writ C No. 10155 of 2018 (**Manisha Maurya vs State of U.P. and 2 others**). This Court had placed reliance upon the judgment rendered by Co-ordinate Bench of this Court in Writ C No. 51954 of 2017 (**Hublal Shah alias Hublal Sahu vs State of U.P. and 2 others**) decided on 10.01.2018.

The matter seems to be covered by the observations made in the judgment as aforecited.

Accordingly, the suspension order dated 14.08.2023 is **set aside**.

However, it shall be open for the Licensing Authority to issue fresh orders strictly in accordance with law i.e. in accordance with the provision of Government Order dated 29.07.2004 and the observations made by this Court in the aforecited two judgments.

The writ petition is, accordingly, **allowed**.

**Order Date :-** 16.10.2023/Rahul.