

Court No. - 6

Case :- WRIT - C No. - 35478 of 2023

Petitioner :- Jay Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ram Singh Yadav, Rohit Kumar Singh

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Ram Singh Yadav, learned counsel for the petitioner, Mr. Bhupendra Kumar Tripathi, learned counsel for respondent no.4-Gram Sabha and learned Standing Counsel for the State-respondents.

This writ petition has been filed by the petitioner with the following prayer :-

"I. Issue a writ, order or direction in the nature of certiorari quashing the impugned Order dated 26.07.2023 passed by the Sub Divisional Magistrate, Sadar, Ghazipur by which the fair price shop of the petitioner situated at Village Birbalpur, Block-Mardah, District-Ghazipur was cancelled. (Annexure No.1 to this writ petition)

II. Issue a writ, order or direction in the nature of certiorari quashing the order dated 24.01.2023 passed by respondent no.2/Sub Divisional Magistrate, Sadar, Ghazipur, by which the fair price shop of the petitioner was suspended and fifteen days time was awarded for reply of the said order/notice to the petitioner. (Annexure No.3 to this writ petition)

III. Issue a writ, order or direction in the nature of mandamus directing the respondents to restore the supply of the shop of the petitioner forthwith, during the pendency of the present writ petition before this Hon'ble Court.

....."

Learned counsel for the petitioner submits that the suspension and cancellation of the fair price shop license of the petitioner has been done without following the proper procedure regarding inquiry as contemplated in the government order dated 05.08.2019.

Learned Standing Counsel as well as learned counsel for respondent no.4-Gram Sabha could not dispute the aforesaid fact.

In view of the above, the cancellation order dated 26.07.2023 passed by Sub Divisional Magistrate, Sadar, Ghazipur is **quashed**.

As the shop in question has already been attached, therefore, the arrangement as made shall continue till final decision is passed by the Licensing Authority after inquiry, which shall be concluded within a period of two months from today.

With the aforesaid direction this writ petition is **disposed off**, accordingly.

Order Date :- 29.11.2023

Kalp Nath Singh