

Court No. - 6

Case :- WRIT - C No. - 35936 of 2023

Petitioner :- Jalil Ahmad

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Amit Kumar Srivastava, Chakrasudan Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

The present writ petition has been preferred by the petitioner challenging an order dated 03.10.2023 passed by respondent no. 2 and with a further prayer to direct the respondents not to interfere in peaceful functioning of fair price shop of the petitioner running at Village Karua Shahabganj, Block Bhadpura, Tehsil Nawabganj Tigari, Block Nawabganj, District Bareilly.

Brief facts of the case are that the petitioner's fair price shop licence was cancelled by order dated 23.05.2006 on the basis of some complaints. Appeal preferred against the said order was also dismissed on 24.04.2008. Thereafter, the petitioner filed Writ-C No. 26998 of 2008 before this Court, wherein an interim order was granted on 03.06.2008. Subsequently, on another complaint petitioner's fair price shop licence was suspended vide order dated 31.08.2009 followed by cancellation order dated 04.11.2009. The petitioner challenged the said order by means of Writ-C No. 60703 of 2009, wherein an interim protection was granted by this Court vide order dated 12.11.2009. Said writ petition was dismissed as having become infructuous by order dated 20.11.2018 and the interim order granted earlier was also vacated. Record reveals that the order dated 20.11.2018 was not placed before the authorities by the petitioner, however, after coming to know about the said order,

notice was given to the petitioner on 20.09.2023 as to why the aforesaid order passed by this Court was not placed before the authorities. Whereafter the order impugned came to be passed on 03.10.2023.

Learned counsel for the petitioner submits that in the notice dated 20.09.2023 only three days' time was granted to submit reply, and the said notice was served upon the petitioner on 03.10.2023, as is evident from the order impugned itself. It is next contended that ample opportunity has not been afforded to the petitioner to submit explanation, thus, the order impugned is in violation of principles of natural justice and the same is liable to quashed.

Learned Standing Counsel, on the other hand, submits that in Writ-C No. 60703 of 2009, the order dated 20.11.2018 was passed on the request of learned counsel for the petitioner, therefore, no such opportunity was required to be given to the petitioner and the petitioner ought to have informed the authorities concerned about the aforesaid order of this Court. Even otherwise, against the cancellation of fair price shop licence, there is remedy of filing an appeal before the appellate authority.

In view of the above, no case for interference is made out. Accordingly, writ petition stands dismissed.

No order as to costs.

Order Date :- 16.11.2023
DS