

**Court No. - 6**

**Case :-** WRIT - C No. - 37412 of 2023

**Petitioner :-** Smt. Seema Devi

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Arvind Kumar Srivastava, Neelam Srivastava

**Counsel for Respondent :-** C.S.C., Avinash Chandra Srivastava

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

Heard Mr. Arvind Kumar Srivastava, learned counsel for the petitioner and learned Standing Counsel for the State.

The writ petition has been filed with the following prayer:-

*"I. Issue, a writ, order or direction in the nature of certiorari to quash the impugned suspension order dated 16.12.2022 passed by respondent no.3 District Supply Officer, Mainpuri, U.P. license of fair price shop of the petitioner.*

*II. Issue, a writ, order or direction in the nature of certiorari to quash the impugned cancellation order dated 29.08.2023 passed by respondent no.3 District Supply Officer, Mainpuri, U.P. license of fair price shop of the petitioner.*

*III. Issue, a writ, order or direction in the nature of mandamus commanding the respondents to restore the the license of the fair price shop of the petitioner."*

Learned counsel for the petitioner submits that the fair price shop license of Nagla Mache, Village Kheda, Post Onha, Pargana, Tehsil Karhal, District Mainpuri were allotted in favour of petitioner. On some complaint, an inspection was carried out, in which, certain irregularities were found against the petitioner, for which, the authorities concerned after suspending the fair price shop license of the petitioner gave a show cause notice stating as to why her fair price shop license may not be cancelled for the aforesaid irregularities and requiring her to give a reply to the same. He further submits that reply to the show cause notice was submitted on 15.09.2023 but without considering the reply of the

petitioner, the fair price shop license has been cancelled.

Learned Standing Counsel submits that after suspension of fair price shop license of the petitioner, the shop in question has been attached with some other shop, which is not denied by the learned counsel for the petitioner.

Perusal of the impugned order goes to show that the reply as submitted by the petitioner has not been considered and it has been stated that despite the time given, no reply has been submitted by the petitioner, which amounts to acceptance of the charges as levelled against the petitioner, the same is inviolation of principles of natural justice.

In view of above, the impugned order dated 29.08.2023 passed by respondent no.3, District Supply Officer, Mainpuri, is **set aside**.

It is open to the petitioner to submit a reply before the competent authority within a period of two weeks from today alongwith certified copy of this order. In case, such reply is submitted, it is expected that the competent authority after considering the reply of the petitioner shall pass final orders, in accordance with law, by means of a reasoned and speaking order, as expeditiously as possible, preferably within a period of **two months** thereafter, if there is no legal impediment.

Till final orders passed by the competent authority, the arrangement as made for fair price shop, shall continue.

The writ petition is allowed.

**Order Date :- 4.12.2023/Rahul.**