

Court No. - 6

Case :- WRIT - C No. - 41936 of 2023

Petitioner :- Mohd Islam

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

Counsel for Petitioner :- Shyam Sunder

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Shyam Sunder, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

The petition has been filed by the petitioner with a prayer to quash the impugned order dated 28.10.2023 passed by the District Supply Officer, Aligarh, whereby the fair price shop license of the petitioner was cancelled and a further prayer to direct the respondent no.3 to allow the petitioner to run his fair price shop and quota of food grain under Pradhan Mantri Garib Kalyan Anna Yojna.

Learned counsel for the petitioner placing reliance upon the judgment passed in ***Writ-C No.1766 of 2011 (Smt. Raj Kumari Singh vs. State of U.P. And Others)*** as decided on 03.03.2011 submits that the fair price shop license of the petitioner has been cancelled on the ground that an F.I.R. has been lodged against him under Section 3/7 of the Essential Commodity Act.

Learned Standing Counsel on the other hand submits that the aforesaid judgment is not applicable in the facts of the present case as here on ground of certain illegalities as found in distribution of essential commodities an F.I.R. was lodged, and fair price shop license of the petitioner was suspended and for the convenience of the card holders, the shop was attached, after which notice was given to the petitioner to give his explanation regarding the allegations as made in the suspension order. The petitioner did not submit any reply despite time given, therefore, the fair price shop license of the petitioner has been cancelled. Thus, submissions as made by the counsel for the petitioner to entertain this writ petition on the ground that the fair price shop license of the petitioner has been cancelled on the ground that an F.I.R. has been lodged against him has no legs to stand.

Even otherwise, against the impugned order, an appeal lies.

Accordingly, the present petition is **dismissed**.

Order Date :- 5.12.2023/Kalp Nath Singh