

Court No. - 6

Case :- WRIT - C No. - 42102 of 2023

Petitioner :- Smt.Dulkunwar

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Gaurav Sisodia

Counsel for Respondent :- CSC

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The present petition has been filed with a prayer to quash the impugned order dated 31.10.2023 passed by respondent no. 2 whereby he has cancelled the petitioner's fair price shop.

Brief facts of the case are that the petitioner is the fair price shop agent of Village Dhandhuli, Tehsil Faridpur, District Barielly. On the complaint of some card holders an ex-party inquiry was conducted and on the basis of that ex-party inquiry report petitioner's fair price shop agreement was suspended on 11.08.2022 and explanation was sought from the petitioner. On 20.09.2023, the petitioner filed her detailed reply but without considering the same, the order dated 31.10.2023 has been passed by respondent no. 2 cancelling the fair price shop agreement. Hence, the present writ petition.

Learned counsel for the petitioner submits that a detailed reply has been given to show cause notice on 20.09.2023 however, without considering the same order dated 31.10.2023 has been passed which is in violation of principle of natural justice, therefore, the order dated 31.10.2023 is liable to be set aside. He next submits that the fair price shop agreement has already attached with some other shop agent.

Learned Standing Counsel could not dispute the aforesaid fact as argued by counsel for the petitioner.

In view of the aforesaid, the order dated 31.10.2023 passed by the respondent no. 2 is hereby quashed and the matter is remitted back to the court concerned with a direction to respondent no. 2 to consider the reply dated 20.09.2023 and passed detail order in

accordance with law, expeditiously preferably within a period of two months from the date of production of a certified copy of this order, if there is no other legal impediment.

With the aforesaid directions, the present application is allowed.

Needless to say that the arrangement as made attaching the fair price shop shall continue till the final orders passed by respondent no. 2.

Order Date :- 6.12.2023

Arti