

Court No. - 8

Case :- WRIT - C No. - 5222 of 2018

Petitioner :- Shiv Nath

Respondent :- State Of U.P Thru Prin Secy Food And Civil Supply Lko
And Ors

Counsel for Petitioner :- Vijayendra Prakash Tripat,Rajesh Kumar
Singh,Satish Kumar Sharma

Counsel for Respondent :- C.S.C,Saiyed Afzal Abbas Rizvi

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State.

2. Present petition has been filed challenging the order dated 16.06.2012 whereby the fair price shop license of the petitioner was cancelled as well as the order dated 04.12.2017 whereby the appeal preferred by the petitioner was dismissed.

3. The facts, in brief, are that the petitioner was running a fair price shop in terms of the license issued to him. On 15.04.2011, the petitioner on account of his illness moved an application stating that he was not in a position to deposit the fixed amount of money which was to be deposited by 22.04.2011. He also stated that after becoming well, he would take steps for depositing the money and for distribution of the food-grains in terms of the license. Subsequently, on 27.04.2011, a show-cause notice was issued calling upon the petitioner to show-cause as to why he has not deposited the money, which was in violation of the conditions of license allotted to the petitioner. The petitioner could not give a reply to the said show-cause notice on account of his illness. Subsequently, an order came to be passed cancelling the fair price shop license of the petitioner on 16.06.2012. After the order was passed, the petitioner moved an application on 21.06.2012 stating that the petitioner was unwell from 11.04.2011 up to 20.06.2012; a medical certificate was also annexed. Thereafter, on the basis of the legal advice, the petitioner preferred an appeal challenging the order of cancellation on 10.07.2012. The appeal was heard and dismissed holding that the petitioner was guilty of not operating the shop for a very long time without there being any justifiable reason. The said order is now under challenge.

4. Perusal of the medical certificate filed by the petitioner justifying his absence from distribution from 11.04.2011 to 20.06.2012 only indicates that the medical ailments suffered by the petitioner was from April, 2012 to June, 2012 whereas the

petitioner was not distributing the food-grains from April, 2011 for which there is no justification.

5. Considering the fact that the license was cancelled in the year 2012 itself, no good ground for interference is made out. The writ petition is accordingly ***dismissed***.

Order Date :- 23.11.2023

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