

Court No. - 8

Case :- WRIT - C No. - 1003293 of 2013

Petitioner :- Ram Sagar

Respondent :- State Of U.P. Thru Prin. Secy. Food And Supply And Others

Counsel for Petitioner :- Vijay Prakash Srivastava,Rajesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

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

2. The present petition has been filed challenging the order dated 19.3.2012 whereby the appeal preferred by the petitioner was dismissed holding that the petitioner had not given any evidence or document in support of his submission.

3. The contention of learned counsel for petitioner is that while passing the cancellation order, the submissions made by the petitioners were found to be non-satisfactory, as such, the appellate authority has erred in holding that the petitioner did not give any evidence or reply.

4. On the said submission alone, and on perusal of the cancellation order, prima facie, the appellate authority has misdirected itself in not taking into consideration the defence taken by the petitioner and by recording that no evidence or document was submitted, as such, on the said limited ground, the order of appellate authority dated 19.3.2012 is quashed. The matter is remanded to the appellate authority to hear and decide the appeal afresh. While doing so, the appellate authority shall also take into consideration, the subsequent allotment, if any, and shall afford an opportunity of hearing to the subsequent allottee also.

4. The writ petition is disposed of.

Order Date :- 23.11.2023

Virendra