

Court No. - 9

Case :- WRIT - C No. - 5142 of 2023

Petitioner :- Atikurrahman

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Panchayati Raj
Deptt. Civil Sectr. Lko. And Others

Counsel for Petitioner :- Devendra Upadhyay, Mohammad Danish, Mohd. Mansoor

Counsel for Respondent :- C.S.C., Ram Raj

Hon'ble Dinesh Kumar Singh, J.

Hon'ble Syed Qamar Hasan Rizvi, J.

1. Heard Sri Mohd. Mansoor, learned counsel for the petitioner as well as learned Standing Counsel and Sri Ram Raj, learned counsel appearing for the Zila Panchayat, Sultanpur.

2. The present petition has been filed aggrieved by the order dated 15.6.2023 passed by the Apar Mukhya Adhikari, Zila Panchayat, Sultanpur, opposite party no.7, whereby the petitioner's license for holding the cattle market within the jurisdiction of Zila Panchayat, Sultanpur has been cancelled, whereas the license was valid upto 31.3.2024.

3. Learned counsel for the petitioner submits that no opportunity of hearing has been provided to the petitioner before cancelling the license, which was valid upto 31.3.2024. The cancellation of license for holding the cattle market is having civil consequence and without giving opportunity of hearing or any show cause before cancellation of license is violative of the fundamental right of the petitioner guaranteed under Article 14 of the Constitution of India. He, therefore, submits that the impugned order is liable to be set aside.

4. On the other hand, Sri Ram Raj, learned counsel for the Zila Panchayat submits that the petitioner is a gangster and hardened criminal. He is facing several heinous offences including the

offences under Sections 302 and 364 IPC, Goodna Act, Arms Act and the Gangster Act. The list of criminal cases against the petitioner has been given in the impugned order. He, therefore, submits that considering the criminal antecedents of the petitioner and he being the gangster, his license for holding the cattle market has been cancelled.

5. Be that as it may, we are of the view that the petitioner ought to have been put to notice and his response should have been called upon first and, thereafter, the decision should have been taken. There is no denial to the fact that the petitioner was not afforded any opportunity of hearing before cancelling the license, which was valid upto 31.3.2024.

6. In view thereof, we **allow** this petition and set aside the order dated 15.6.2023 as being violative of Article 14 of the Constitution of India. However, we permit the authority concerned to issue a show cause notice to the petitioner within one week from today and after seeking response from the petitioner within ten days thereafter, take a fresh decision in accordance with law.

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(Syed Qamar Hasan Rizvi, J.) (Dinesh Kumar Singh, J.)

Date :- 21.6.2023

Rao/-