

Court No. - 17

Case :- WRIT - C No. - 9918 of 2023

Petitioner :- Ambar Singh And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies, Lko. And 4 Others

Counsel for Petitioner :- Chandra Bhanu Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Ms. Bhumi Bajpayee, Advocate holding brief of Sri C.B. Singh, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 to 4.

2. It has been submitted by learned counsel for petitioner that there were serious allegations in running of a fair price shop by respondent No. 5 who is licensee for shop situated at Village Panchayat - Sadhiya, Block - Singhpur, Tehsil - Tiloi, district - Amethi.

3. It is stated that respondent No. 5 is running the said fair price shop since 2014 and has committed several irregularities while running the said shop. It is also stated that on 06.03.2023 there were certain allegations levelled against respondent No. 5 and he was asked to submit his explanation and in the meanwhile the license was suspended. He submitted his reply on 06.04.2023. The Sub-Divisional Magistrate duly considered the reply submitted by respondent No. 5 and found that there were certain irregularities committed by him and consequently imposed a penalty of Rs. 10000/- to him.

4. Learned counsel for petitioner submits that the inquiry conducted by the Sub-Divisional Magistrate was illegal and arbitrary and certain affidavits filed before him were in fact not signed by the persons who had filed them and consequently submitted that fresh inquiry deserves to be conducted against respondent No. 5.

5. Learned counsel for respondents on the other hand has submitted that the allegations against respondent No. 5 were duly inquired into and final orders have been passed by Sub-Divisional Magistrate dated 31.07.2023 wherein a penalty of Rs. 10,000/- has been imposed and the suspension order has been set aside thereby restoring his license of respondent no. 5. He further submits that in case there were some infirmity in the

order passed by Sub-Divisional Magistrate dated 31.07.2023 then the same could have been assailed by any person who aggrieved but even the petitioner has not challenged the validity of the order dated 31.07.2023 and consequently the prayer as sought by the petitioner cannot be granted.

6. It is in the aforesaid fact, this Court is of the considered view that the allegations against respondent No. 5 were duly inquired into and the Sub-Divisional Magistrate has passed necessary order on 31.07.2023 where with regard to irregularities committed by the licensee i.e. respondent No. 5, a penalty of Rs. 10,000/- has been imposed and his license was restored.

7. Be that as it may, the said order is not under challenge before this Court and once the matter has been duly inquired into by the Sub-Divisional Magistrate and necessary penalty orders have been passed, no direction as sought by the petitioner can be passed for re-inquire into the same matter. It is further noticed that the order dated 31.07.2023 has not even been assailed by the petitioner. Accordingly, neither interference as sought by the petitioner can be made in the present writ petition nor any directions can be given as prayed. The writ petition is devoid of merits and is accordingly dismissed.

(Alok Mathur, J.)

Order Date :- 23.11.2023

Ravi/