

Court No. - 17

Case :- WRIT - C No. - 10219 of 2023

Petitioner :- Ram Kumar

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies, Civil Sectr. Lko. And 3 Others

Counsel for Petitioner :- Upendra Prakash Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Upendra Prakash Pathak, learned counsel for the petitioner as well as learned Standing counsel for the respondents.

2.By means of the present petition the petitioner has challenged the order dated 30.10.2023 passed by Sub Divisional Magistrate, Ram Sanahi Ghat, District Barabanki.

3. It has been submitted that fair price shop license of the petitioner has been cancelled by means of the aforesaid order without giving opportunity of hearing. He had moved an application before the Sub Divisional Magistrate submitting his response to the notice issued by the authority concerned and it is on the said application that the impugned order has been passed.

4. A perusal of the order dated 30.10.2023 indicates that fair price shop license of the petitioner had already been cancelled on 21.10.2023 after expiry of the period as provided in the notice given to the petitioner for submitting his reply. It seems that the time was further extended and the petitioner in the extended time also did not submit his reply and consequently order dated 21.10.2023 was passed. It is in aforesaid circumstances that the response / objection filed by the petitioner has been rejected. In the present case, the petitioner has neither annexed nor assailed the order of cancellation dated 21.10.2023.

5. At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw this petition with liberty to file afresh also assailing the order of cancellation dated 21.10.2023.

6. In light of the statement made by the petitioner, the petition is dismissed as not pressed with aforesaid liberty.

(Alok Mathur, J.)

Order Date :- 21.11.2023

RKM.