

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (227) No.5060 of 2009

Jaipal S/o Sitaram Manmani, aged about 35 years, occupation Kerosene Oil Riksha Hawker, R/o Khajurpara, Ambikapur, District Surguja, Chhattisgarh

---Petitioner

versus

- 1.** State of Chhattisgarh through Secretary, Food Department and Consumer Protection, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh
- 2.** The Collector Surguja, Ambikapur, District Surguja, Chhattisgarh
- 3.** Food Officer, Collectorate Ambikapur, District Surguja, Chhattisgarh
- 4.** Sunil Sharma, S/o Late Phool Chand Sharma, aged about 37 years, R/o Khajurpara, Ambikapur, District Surguja, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate
For State/Respondents No.1 to 3	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

7/4/2016

- 1.** Heard Learned Counsel for the Petitioner and the State.
- 2.** No one appears on behalf Respondent No.4 though reply has been filed on his behalf.
- 3.** Learned Counsel for the Petitioner submits that Kerosene Dealers Licence granted to him was cancelled. On challenge by him, it was restored by order dated 22.5.2006. Respondent No.4 assailed it in appeal which has been allowed on 15.7.2009. The submission is that except for referring to order dated 22.5.2006, there is no discussion in the order why it was erroneous. Primarily on the very same materials, the licence has been cancelled again.
- 4.** Learned Counsel for the State points out that the Petitioner did not appear despite valid service of notice.
- 5.** Considering that order dated 15.7.2009 notices order dated 22.5.2006 and on the very same materials, purports to arrive at different conclusion, the Court is not satisfied that it constitutes sufficient ground to

upset the earlier order. The order dated 15.7.2009 is set aside. The interim order dated 7.9.2009 is made absolute.

6. The writ petition is disposed.

Sd/-
(**Navin Sinha**)
CHIEF JUSTICE