
(2000) 04 AHC CK 0093

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 15328 of 2000

Dheerendra Singh

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 03-04-2000

Acts Referred:

Citation : (2000) 04 AHC CK 0093

Hon'ble Judges : O.P.Garg, J and Sushil Harkauli, J

Final Decision : Disposed Of

Judgement

1. Heard Sri J.N. Verma, learned Counsel for the petitioner as well as learned Standing Counsel.

2. The petitioner was granted licence by Respondent No. 2 for selling petty diesel oil. He applied for renewal of the licence and deposited the renewal fee for the year 19992000. It is alleged that the licence of the petitioner has not been renewed on account of the location of the other retail outlet within the radius of 5 kms.

3. Sri J.N. Verma, learned Counsel for the petitioner pointed out that the condition on the basis of which renewal of the licence has been refused has been disapproved and quashed by a Division Bench of this Court in the case of Daulat Ram Gupta v. State of UP. and others, 1995 AWC 819, and on the basis of which another Civil Misc. Writ Petition No. 8419 of 1995, Manoj Kumar v. State of U.P., was decided on 3031995.

4. After having heard learned Counsel for the parties, we find that the case of the present petitioner is covered by Daulat to Ram Gupta's case (supra).

5. This writ petition is finally disposed of with the direction that the Respondent No. 2 shall consider the application for renewal of the licence of the petitioner within a period of three weeks from the date a certified copy of this order is produced before him ignoring the condition imposed by Government Order dated

1691987 relating to prohibition of grant of licence within the radius of 5 kms. of regular diesel outlet. It is made clear that this order shall be construed to mean that if for other reasons and circumstances the petitioner does not qualify for the benefit of renewal of licence, this order shall not come in the way of the authority concerned. /