
(2013) 08 AHC CK 0162

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 36747 of 2013

Indra Sen

APPELLANT

Vs

State of U.P. Through Collector, Chandauli and Another

RESPONDENT

Date of Decision : 06-08-2013

Acts Referred:

Citation : (2013) 08 AHC CK 0162

Hon'ble Judges : Satya Poot Mehrotra, J and Anjani Kumar Mishra, J

Final Decision : Dismissed

Judgement

Anjani Kumar Mishra, J.—We have heard Shri Saurabh Basu, holding brief for Shri Vivek Kumar Srivastava, learned counsel for the petitioner, and the learned Standing Counsel appearing for the respondent nos. 1 and 2.

Learned Standing Counsel appearing for the respondent nos. 1 and 2 states that instructions, as mentioned in the Order dated 10th July, 2013, have been received by him.

The present Writ Petition has been filed by the petitioner, inter alia, praying for quashing the ShowCause Notice dated 8th April, 2013 and the ShowCause Notice dated 23rd May, 2013.

It appears that the petitioner is having licence in respect of the Fair Price Shop in question. On a complaint made by one Banarasi, Communication dated 8th April, 2013 (Annexure 6 to the Writ Petition) was issued by the SubDivisional Magistrate, Chakiya addressed to the said Banarasi, copy whereof was sent to the petitioner directing the petitioner to appear on 20th April, 2013 with evidence in response to the said Complaint made by the said Banarasi.

As per the instructions received by the learned Standing Counsel, the petitioner and others appeared in response to the said Communication dated 8th April, 2013. Thereafter, ShowCause Notice dated 23rd May, 2013, was issued to the petitioner. Copy of the said ShowCause Notice dated 23rd May, 2013 has been

filed as Annexure 10 to the Writ Petition.

On the basis of instructions, received by the learned Standing Counsel, he further states that the petitioner has not so far submitted his reply to the said ShowCause Notice dated 23rd May, 2013 whereby the petitioner has been asked to ShowCause as to why the licence of the petitioner in respect of the Fair Price Shop in question, be not cancelled on the grounds mentioned in the said ShowCause Notice.

Shri Saurabh Basu, holding brief for Shri Vivek Kumar Srivastava, learned counsel for the petitioner submits that even though the petitioner has already submitted his Objection dated 11.4.2013, the petitioner will submit a fresh reply to the said ShowCause Notice dated 23rd May, 2013.

In view of the above, we are of the opinion that the interest of justice would be subserved by disposing of the Writ Petition with the following directions:

1. Within three weeks from today, the petitioner will submit his reply alongwith the documents/evidence as well as a certified copy of this order before the SubDivisional Magistrate, Chakiya, DistrictChandauli (respondent no.2).
2. On receipt of the reply and documents etc., as mentioned above, the respondent no.2 will proceed to decide the matter expeditiously, preferably within a period of two months from the date of receipt of the said reply alongwith the documents etc., after giving reasonable opportunity of hearing to the petitioner as well as all concerned parties and by passing a speaking order in accordance with law.

The Writ Petition is accordingly disposed of with the above directions.