
(2001) 01 AHC CK 0086
In the Allahabad High Court
Case No : C.M.W.P. No. 53846 of 2000

Naumi Ram

APPELLANT

Vs

Dy. Collector and Others

RESPONDENT

Date of Decision : 04-01-2001

Acts Referred:

Citation : (2001) 1 AWC 607

Hon'ble Judges : S.K. Sen, C.J;S.R. Alam, J

Bench : Division Bench

Advocate : S.S.P. Gupta, for the Appellant; C.S. Singh, for the Respondent

Final Decision : Allowed

Judgement

S. K. Sen, C.J.—We have heard Sri S. S. P. Gupta, learned advocate for the writ petitioner and Sri C. S. Singh, learned standing counsel appearing for respondent Nos. 1 and 2.

2. On the basis of some complaint received by Up-Ziladhikari (Sub-Divisional Officer) tehsil Sagari, district Azamgarh, supply of the writ petitioner, who claims to be a fair price shop dealer has been stopped by the Sub-Divisional Officer, respondent No. 1. The order has been issued by the said respondent to that effect on 13.11.2000. It does not appear that any inquiry is pending or any opportunity of hearing was given on the allegation made in the said complaint.

3. We are of the view that it is obligatory on the respondent authorities to follow the procedure prescribed by the law and there is no power conferred on the authority to stop the supply on the basis of mere allegation or complaint and to take such action without affording an opportunity to the writ petitioner. In the circumstances, the impugned order dated 13th November, 2000, is quashed. The supply shall be restored to the writ petitioner forthwith. We, however, observe that it shall be open to the respondent authorities to take appropriate action in accordance with law.

4. The writ petition succeeds and is allowed.