
(1996) 09 AHC CK 0061

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 5610 of 1996

Ram Awadh

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 10-09-1996

Acts Referred:

Penal Code, 1860 (IPC) — Section 302

Citation : (1996) 09 AHC CK 0061

Hon'ble Judges : M.Katju, J

Final Decision : Allowed

Judgement

M. Katju, J.—Heard the learned Counsel for the parties. The petitioner's fair price shop licence was cancelled. He filed an appeal which was dismissed by the impugned order dated 12/2/1996. The impugned order shows that in place of petitioner the Gaon Sabha recommended respondent No. 5 Ashok Kumar for allotment of the fair price shop. In view of the fact that there were many complaints against the petitioner, I am not inclined to pass any order in favour of the petitioner, but at the same time I am of the opinion that no fair price shop should be granted to Sri Ashok Kumar, as he is involved in a case under Section 302, I.P.C. as is evident from the impugned order. Unless he is acquitted in that case I am of the opinion that Ashok Kumar is not a suitable person for grant of a licence of fair price shop.

2. Learned Counsel for the respondent submitted that there is nothing in the conditions of grant of licence that person involved in a criminal case cannot be granted a licence for running a fair price shop. In my opinion it is implicit that if person is involved in a serious criminal case then he is not a fit person for grant of a fair price shop licence. Hence I dispose of this writ petition finally with a direction to the Gaon Sabha to consider any other suitable person for grant of the said licence.