
(2003) 02 AHC CK 0088

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 35932 of 1997

Ram Bhawan Yadav

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 25-02-2003

Acts Referred:

Citation : (2003) 02 AHC CK 0088

Hon'ble Judges : Mukteshwar Prasad, J and V.M.Sahai, J

Final Decision : Allowed

Judgement

1. We have heard Sri B.S. Pandey, learned Counsel for the petitioner and Sri Madhur Prakash, learned Counsel appearing for the respondent No. 4 and Standing Counsel appearing for respondents No. 1 to 3.

2. The petitioner is fair price shopkeeper. His licence has been renewed from time to time. It appears that there was some complaints against him, therefore the District Supply Officer, Basti passed an order stopping his supply by order dated 8th October, 1997. This order has been challenged in this petition.

3. The learned Counsel for the petitioner has urged that without passing any order of suspension or cancellation the respondent could not stop the supply of the petitioner.

4. Under the rule for grant of licence or supply to the fair price shop, it is nowhere provided in the rules for grant of licence or for supply made to the fair price shopkeepers, that merely on the basis of complaint the respondent would be authorised to stop the supply of the food grains, kerosene oil etc. to the petitioner's shop. The power had been conferred on the authorities to suspend or cancel the licence in accordance with law. Neither suspension nor cancellation order had been passed by respondent against the petitioner. Therefore the impugned order dated 8th October, 1997 of which supply of the petitioner has been stopped was illegal and cannot be maintained.

5. In the result, this writ petition succeeds and is allowed, and the impugned order dated 8th October, 1997 passed by respondent No. 3 District Supply Officer, Annexure5 to the writ petition is quashed.