

(1998) 12 AHC CK 0090
In the Allahabad High Court
Case No : C.M.W.P. No. 32113 of 1990

Ram Swaroop

APPELLANT

Vs

State of U.P. and another

RESPONDENT

Date of Decision : 09-12-1998

Acts Referred:

Constitution of India, 1950 — Article 14
Essential Commodities Act, 1955 — Section 3(7)

Citation : (1998) 4 AWC 645 : (1998) AWC 645 : (1999) 3 RCR(Civil) 264

Hon'ble Judges : Ram Kishore Singh, J; Binod Kumar Roy, J

Bench : Division Bench

Advocate : Smt. Poonam Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

Binod Kumar Roy and Ram Kishore Singh, JJ.—The petitioner, who is a petty dealer in high speed diesel oil, has come up with a prayer to command the respondents not to give effect to the Instruction Issued by the District Supply Officer, Mainpuri as contained in Letter No. 511 dated 22.8.1988 as contained in Annexure 11.

2. Sri Awanish Misra, learned counsel holding brief of Smt. Poonam Srivastava. contended that the instruction issued is unreasonable in tagging/attaching the petitioner with M/s Sachedeva Automobiles Diesel Pump. Mainpuri for the purpose of obtaining high speed diesel oil and that too with clogs that he will obtain the diesel in a barrel or drum and sell it only at the rate fixed by the District Magistrate : that at one time more than 4,000 litres will not be supplied to him : that he will keep stock register and cash memos containing full name and address of the consumers ; that he will not mix diesel with kerosene oil and if he is found mixing, then action departmentally as well as u/s 3(7) of the E. C. Act will be taken against him which are all unreasonable.

3. A copy of office order No. 1222/District Supply Diesel/190/ 27.10.1990 Issued

from the office of the District Supply Officer. Mainpuri has been appended as Annexure 3 which shows that on prayer of the petitioner, he was attached with M/s. Prakash Traders in place of M/s. Sachdeva Automobiles diesel Pump, Mainpuri and directed to obtain diesel from M/s. Prakash Trader. Ghirot.

4. We fail to appreciate as to how the order impugned thus re mainpuri in unreasonable. It appears to us that terms have been imposed to control black market of the diesel oil and cannot be termed unreasonable at all.

5. We. accordingly, do not see any merit in this writ petition. It is, accordingly, dismissed.