
(1999) 03 AHC CK 0064

In the Allahabad High Court

Case No : Writ Petition No. 3495 (M/B) of 1998 [with W.P. Nos. 3051 (M/B) & 3049 of 1998]

Shahabuddin and Ors.

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 19-03-1999

Acts Referred:

Citation : (1999) 03 AHC CK 0064

Hon'ble Judges : D.K.Trivedi, J and Pradeep Kant, J

Final Decision : Disposed Of

Judgement

1. As all the aforementioned four writ petitions involve similar question on law and facts, therefore, we proceed to dispose of all the aforementioned writ petitions together by a common order.

2. By means of above the writ petitions, the petitioners have prayed for issue of a writ in the nature of certiorari for quashing the impugned orders dated 5998 and 18798 by which the petitioner's licences for running of Saw Mills were cancelled.

3. The point involved in all these writ petitions is that the impugned orders were passed without affording any opportunity to the petitioners. The contention of the learned counsel for the petitioners is that the petitioners were holding valid licences and therefore, these cases were not covered by the judgment of the Hon'ble Supreme Court in a case T.N. Godavarman Thirumulkpad v. Union of India and others, 1997(3) SCC 312 : 1998(1) LBESR 626(SC). This question that whether they were holding valid licence or not? is in dispute before this court. As the impugned orders cancelling the licences for running of Saw Mills were passed without affording any opportunity to the petitioners, therefore, in our opinion the same are not sustainable in law and are liable to be quashed on this ground alone. This fact is not disputed that the impugned orders were passed without giving any notice or opportunity to the petitioners.

4. The contention of the learned Standing Counsel appearing on behalf of the State is that the impugned orders for cancellation of the licences for running of Saw Mills were passed because this Court in a Writ Petition No. 1534 (MB) of 1998 (Mohammad Fakira and others v. State of U.P. and others) issued some directions on which basis these impugned orders have been passed. The case of Mohammad Fakira and others (supra) stands on totally different footing and the same has been dismissed by us today. However, as no opportunity was given to the petitioners, therefore, we quash the impugned orders dated 5998 and 18798 by which the petitioner's licences for running of Saw Mills were cancelled but as the licence period has now expired on 311298, therefore, we direct the concerned authorities to decide this question of renewal of the licences again in accordance with the directions given by the Hon"ble Supreme Court as well as by this Court in different judgment. The petitioners are also permitted to apply for renewal of the said licence again within 15 days from today and if the application for renewal of the licence is moved then the same be accepted and disposed of by the competent authority in accordance with law ignoring the order of cancellation of the licences, within one months.

5. In Writ Petition No. 3495/98 (MB) it is pointed out by the petitioners' counsel that in view of the order the petitioners had applied for renewal of the licence but the same was also rejected on the ground that there is no change in the Government Order dated 26789. We, therefore, direct the petitioners concerned to apply again for renewal of the licence in question within 15 days and if the same is applied then, the competent authority shall dispose of the same in accordance with law, within one month.

6. With these observations, all the aforesaid writ petitions are hereby, disposed of finally.

7. Let a copy of this order be given to the parties' counsel on payment of usual charges within three days.