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**(2002) 07 MP CK 0086**  
**In the Madhya Pradesh High Court**  
**Case No : Writ Petition No. 2279 of 2001**

Shantilal Jain

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision :** 23-07-2002

**Acts Referred:**

Constitution of India, 1950 — Article 226, 227

Madhya Pradesh Shops and Establishments Act, 1958 — Section 9

**Citation :** (2003) 97 FLR 775 : (2003) 2 MPHT 21

**Hon'ble Judges :** A.M. Sapre, J

**Bench :** Single Bench

**Advocate :** G.K. Patidar, for the Appellant;

**Final Decision :** Dismissed

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## Judgement

A.M. Sapre, J.—By filing this writ, the petitioner seeks to challenge a Notification, dated 28-3-2001, issued by the State Government u/s 9 of the M.P. Shops & Establishments Act, 1958. The Notification says that no Shops or Commercial Establishments situated in the local area of Ratlam shall be opened earlier than 8 a.m. and be kept open later than 7.00 p.m. It is this Notification which is under challenge in this writ, filed under Articles 226 and 227 of the Constitution of India.

2. Any Notification which is issued in the interest of public at large, can not be questioned as arbitrary exercise of powers. If, the State has felt that shops should not be opened earlier than 8.00 a.m. and should not be kept open after 7.00 p.m. on any day, then I fail to understand what is that kind of arbitrariness that could be pointed out in such a decision. It is a direction issued in the interest of public at large and therefore, I do not consider it to be a fit case for admission and eventually for quashing of said Notification.

3. Petition, thus, failed and is dismissed in limine.