
(2019) 09 UK CK 0043

In the Uttarakhand High Court

Case No : Special Appeal No. 804, 805 Of 2019

Zakir & Others

APPELLANT

Vs

District Magistrate, Haridwar And Others

RESPONDENT

Date of Decision : 11-09-2019

Acts Referred:

Citation : (2019) 09 UK CK 0043

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Jitendra Chaudhary, Vikas Pandey

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Jitendra Chaudhary, learned counsel for the appellant-writ petitioner and Mr. Vikas Pandey, learned Standing Counsel for the State of Uttarakhand-respondent Nos.1 & 2 and, with their consent, these Special Appeals are disposed of, by this common order, at the stage of admission.

2. The appellant herein filed WPMS No.2169 of 2019 questioning the order passed by the District Magistrate, Haridwar dated 30.04.2019 quashing the order passed by District Supply Officer, Haridwar dated 17.10.2017.

3. Facts, to the limited extent necessary, are that the petitioner is a resident of village Ransura, Block Bahadrabad, District Haridwar. He had earlier lodged a complaint against the third respondent alleging unfair practices in the supply of essential commodities from the fair price shop licensed in his favour. On the petitioner's complaint, the license of third respondent was suspended by proceedings dated 25.11.2016. The third respondent challenged the said order filing WPMS No.3200 of 2016, and a learned Single Judge of this Court, by his order dated 01.12.2016, allowed the writ petition holding that Tehsildar lacked jurisdiction to conduct an inquiry.

4. Aggrieved thereby, the appellant-writ petitioner herein filed Special Appeal No.386 of 2016 which was allowed, by order dated 29.03.2017, holding that the Tehsildar had the power to conduct an inquiry against errant fair price shop dealers. The Division Bench set aside the order under appeal, and remanded the matter to the learned Single Judge who, by his order dated 08.09.2017, disposed of the writ petition directing the authorities concerned to pass final orders consequent upon completion of the inquiry.

5. Thereafter, the District Supply Officer, Haridwar cancelled the fair price shop license of the third respondent by his order dated 17.10.2017. The Dealer questioned the said order in appeal. The District Magistrate, Haridwar allowed the appeal by his order dated 30.04.2019, and quashed the order passed by District Supply Officer.

6. Questioning the said order of the District Magistrate, Haridwar dated 30.04.2019, the appellant-writ petitioner invoked the jurisdiction of this Court contending that the said order suffered from an error apparent warranting interference by this Court; and undue indulgence was shown by the District Magistrate to the third respondent-fair price shop dealer though he had indulged in several mal-practices in the supply of essential commodities to the poor and the needy.

7. Except to state that he did not find any ground to interfere with the order passed by the District Magistrate, Haridwar, the learned Single Judge has not assigned any reasons for arriving at such a conclusion. The learned Single Judge has also not recorded the contentions urged on behalf of the petitioner, much less were such contentions examined on its merits. On the short ground that the order under appeal is bereft of reasons, it must be, and is accordingly, set aside. The writ petition is restored to file.

8. Mr. Vikas Pandey, learned Standing Counsel takes notice on behalf of respondent Nos. 1 & 2 and seeks three weeks' time to file counter-affidavit.

9. Mr. Jitendra Chaudhary, learned counsel for the petitioner, is permitted to take out notice on the third respondent by registered post acknowledgement due; and to file proof of service within three weeks.

10. It is open to Mr. Jitendra Chaudhary, learned counsel for the petitioner, to request the learned Single Judge to take up the writ petition for admission any day after three weeks from today.

11. The Special Appeals are disposed of accordingly. No costs.