

Allahabad High Court

Jai Shankar Singh vs State Of U.P. & Ors. on 1 July, 2010

Court No. - 3

Case :- WRIT - C No. - 37529 of 2010

Petitioner :- Jai Shankar Singh

Respondent :- State Of U.P. & Ors.

Petitioner Counsel :- Santosh Kumar Singh

Respondent Counsel :- C.S.C., Mahesh Narain Singh, Manoj Yadav

Hon'ble Amitava Lala, J.

Hon'ble Sanjay Misra, J.

Grievance of the petitioner is that his licence of fair price shop has been cancelled but licence of another person on the selfsame charge of a third party has not been cancelled but allowed to continue by the prescribed authority. Learned Standing Counsel has contended before us that inspite of provision of appeal under clause 3 of Section 28 of the Uttar Pradesh Scheduled Commodities Distribution Order, 2004 the petitioner can approach the Court for violation of principle of natural justice.

We are of the view that if the order is passed on the basis of "no material" the Writ court can proceed ignoring the provision of appeal but when the order has been passed on "some material" it has to be a matter of scrutiny by the appellate authority, therefore, we dispose of the writ petition with the direction upon the petitioner to prefer an appeal within a period of one week from the date of obtaining a certified copy of this order and if it is made then the appellate authority will decide the cause preferably within a period of one month from the date of filing the appeal upon giving fullest opportunity of hearing and by passing a reasoned order.

No order is passed as to costs.

However, no third party interest will be created till the disposal of the appeal in respect of allotment of fair price shop.

Order Date :- 1.7.2010 MAA/-