

Allahabad High Court

Bachcha Ram Yadav vs Sub-Divisional Magistrate, ... on 15 July, 2010

Court No. - 27

Case :- MISC. BENCH No. - 4391 of 2005

Petitioner :- Bachcha Ram Yadav

Respondent :- Sub-Divisional Magistrate, Balrampur And 3 Ors

Petitioner Counsel :- Nitin Srivastava

Respondent Counsel :- C S C

Hon'ble Devi Prasad Singh,J.

Hon'ble Yogesh Chandra Gupta,J.

Petitioner, who is a fair price shop dealer has approached this court under Article 226 of the Constitution of India.

According to petitioner's counsel order of suspension of fair price shop licence has been revoked by the Sub Divisional Magistrate himself vide order dated 20.5.2005 as contained in Annexure-4 to the writ petition.

The submission is that once licence has been restored then Deputy Collector, Balrampur is not justified to stop of supply of goods.

Controversy involved disputed question of fact. Liberty is given to the petitioner to represent his cause before the SDM concerned within a period of two weeks. In case, such representation is submitted against the impugned order, Sub Divisional Magistrate shall considered and decide the same by passing a speaking and reasoned order within next two months from the date of receipt of a representation and communicate the decision to the petitioner.

For the period of two months or till disposal of representation, whichever is earlier, respondents shall continue to ensure the supply of goods in terms of interim order dated 11.7.2005 passed by this court.

Subject to above, writ petition is disposed of finally.

Order Date :- 15.7.2010 Madhu