

Shakil Qurashi vs The State Of Madhya Pradesh on 24 May, 2024

Author: Pranay Verma

Bench: Pranay Verma

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA
ON THE 24th OF MAY, 2024
WRIT PETITION No. 7086 of 2024

BETWEEN: -

SHAKIL QURASHI S/O BADDU MOHAMMAD QURASHI
OCCUPATION: BUSINESS R/O KALIDAS MARG DISTT.
JHABUA (MADHYA PRADESH)

(BY SHRI SACHIN PARMAR - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH PRINCIPAL
SECRETARY FOOD ADULTRATION DEPARTMENT
VALLABH BHAWAN BHOPAL (MADHYA PRADESH)
2. THE DEPUTY DIRECTOR AND AUTHORIZED
OFFICER FOOD SAFETY AND STANDARDS ACT
DISTRICT JHABUA (MADHYA PRADESH)
3. THE SARPANCH GRAM PANCHAYAT
DUMARALAL, DISTRICT JHABUA (MADHYA
PRADESH)
4. NAGAR PALIKA PARISHAD JHABUA DISTRICT
JHABUA (MADHYA PRADESH)

(BY SHRI TARUN KUSHWAH - P.L. FOR RESPONDENTS/STATE)

This petition coming on for admission this day, the court
following:

ORDER

1. Heard on the question of admission.

2. This petition has been filed by the petitioners under Article 226 of the Constitution of India, against the order dated 02.02.2024 (Annexure A/1), passed by the respondent No.4 whereby, the permission granted to the petitioners for opening the slaughter house on 26.8.2023 has been

cancelled, and the petition is also filed against the subsequent order passed by the respondent No.3/Dy. Director, Department of Food, District Jhabua whereby, the NOC issued to the petitioners on 26.1.2024 has been revoked and the food licence issued to the petitioners has been suspended till further order.

3 . Counsel for the petitioners has submitted that both the aforesaid orders have been passed against the petitioners on a complaint made by one Nilesh Damor to the CM helpline, and only on the instructions of the CM helpline, the petitioners' aforesaid permissions have been revoked without even issuing any show cause notice to the petitioners.

4. Counsel for the respondent/State, on the other hand, has opposed the prayer and it is submitted that the permission granted to the petitioners were erroneous hence, the same has been revoked. However, it is not denied that prior to passing of the impugned orders, the petitioners were not served any show cause notice for the same.

5. In view of the aforesaid submissions as advanced by the counsel for the rival parties, taking note of the fact that before passing the impugned orders dated 2.2.2024 and 08.2.2024, the respondents have not afforded any opportunity of hearing to the petitioners by issuing a show notice to them thereby, clearly violating the principles of natural justice, the impugned orders cannot be sustained in the eyes of law, and are hereby quashed with a further direction to the concerned respondents to pass a fresh order after giving due opportunity of hearing to the petitioners and issuing proper show cause notice to them.

6. With the aforesaid direction, the present petition stands disposed off.

(PRANAY VERMA) JUDGE SS/-