

Narayan Singh vs State Of U.P. And 3 Others on 13 January, 2021

Bench: Mahesh Chandra Tripathi, Sanjay Kumar Pachori

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 21

Case :- WRIT - C No. - 26898 of 2020

Petitioner :- Narayan Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Pradeep Kumar Tiwari, Sushil Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Sanjay Kumar Pachori, J.

Heard Shri Pradeep Kumar Tiwari, learned counsel for the petitioner and learned Standing Counsel.

Present writ petition has been preferred assailing the validity of the order dated 25.8.2020 passed by fourth respondent i.e. District Manager, U.P. Scheduled Caste Finance and Development Nigam Ltd, Agra by which the allotment of the shop in question of the petitioner has been cancelled and for a direction to third respondent i.e. District Magistrate, Agra to decide the application of the petitioner dated 7.9.2020 within stipulated period.

Learned counsel for the petitioner states that the shop in question was allotted to the petitioner under the category of weaker section (Scheduled Caste community) and he has got the said license under the Food Safety and Standard Act. It is alleged that the fourth respondent without considering the material evidence on record and reply of the show cause notice filed by the petitioner in an

illegal and arbitrary manner cancelled the shop of the petitioner by the order impugned.

Per contra, learned Standing Counsel raised an objection that once the authority has made spot inspection and find that on spot the petitioner is not running the shop and more so the same is closed, the order impugned has been passed. The license, which has been emphasised by the petitioner has already expired way back in the year 2018 itself and as such no reprieve can be extended to the petitioner.

The Court has proceeded to examine the record in question and does not find any infirmity or illegality in the order impugned so as to make interference under Art.226 of the Constitution of India. The writ petition sans merit and is accordingly dismissed.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the petitioner alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 13.1.2021 SP/