

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.1897/1999

(From the judgement and order dated 21/12/1998 in WP 2550(M/B)/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH)

EHSANUDDIN MOHD. SHARIF & ANR.

Petitioner (s)

VERSUS

STATE OF U.P. & ORS

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)
WithSLP(C)No.3425-3426/1999, SLP(C)No.3457-3458/1999, SLP(C)No.5450/1999
and SLP(C) N. 14028/2000(With appln.(s) for exemption from filing c/c of the impugned
judgment and with prayer for interim relief)
(For final disposal)

Date : 27/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE BRIJESH KUMARFor Petitioner (s) Mr. Manoj Goel, Adv.
Mr. Shuvodeep Roy, Adv.
Mr. Avinash Kumar, Adv.
Mr. Brij Bhusan, Adv.For Respondent (s) Mr. T.N. Singh, Adv.
Ms. Kiran Kapoor, Adv.
Mr. Mukesh Verma, Adv.
Mr. Saurab Shameshru, Adv.
Mr. R.C. Verma, Adv.UPON hearing counsel the Court made the following
O R D E R.....L.....I.....J
.SP2In this batch of special leave petitions filed
by the petitioners, who are running Fair Price Shops, the
order of the Division Bench of the High Court of Allahabad
dated 21.12.1998 has been put in issue.

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- 2 -

Pursuant to the report of Screening Committee,
set up by the Government dealership agreements of various
Fair Price Shops was cancelled by the District Magistrate.

The impugned order records that the Government Order which dealt with the issue of cancellation of dealership of Fair Price Shops, itself provided that aggrieved parties could file an appeal before the Divisional Commissioner against the cancellation of their dealership agreements. The High Court, dismissed all the writ petitions and directed the Commissioner to entertain appeals, if preferred by the writ petitioners and decide the same expeditiously in accordance with law. Instead of following that course, the petitioners rushed to this Court invoking jurisdiction under Article 136 of the Constitution.

After hearing learned counsel for the parties, we are of the opinion that these are not fit cases in which we may exercise our jurisdiction under Article 136 of the Constitution, particularly in view of the appellate remedy available to the writ petitioners.

Faced with this situation, learned counsel for the petitioners submits that the petitioners may take recourse to filing of appeals before the appropriate authority but for a period of three months status quo as regards dealership be maintained to enable them to approach the appellate forum. This appears fair to us. We, accordingly, while dismissing the special leave petitions, direct that for a period of three months from today, status quo as regards dealership of the petitioners as existing today shall be maintained. The appellate authority shall entertain the appeals, if preferred, without putting the issue of limitation against the

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- 3 -

petitioners. It shall be open to the appellate authority to vacate or continue the order of status quo during the pendency of the appeals. We expect that the appellate authority shall decide the appeals expeditiously.

We clarify that nothing said hereinabove shall be construed as any expression of opinion on the merits of the controversy and the appellate authority shall decide the appeals uninfluenced by the dismissal of these special leave petitions.

The special leave petitions are dismissed with above observations. No costs.

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(Ajay Kr. Jain)
Court Master

(Meena Trikha)
Asstt. Registrar