

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).34181/2009

(From the judgment and order dated 22/07/2009 in CMWP No. 35980/2009 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

GAYA PRASAD Petitioner(s)

VERSUS

STATE OF U.P. & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 17/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Sanjay Parekh, Adv.
Mr. Anil Gaur, Adv.
Mr. Devesh Pratap Singh, Adv.
Mr. Badri Prasad Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel for the petitioner and perused the record.

The petitioner, whose complaint led to cancellation of the Fair Price Shop licence of respondent No. 3 is aggrieved by the order of the learned Single Judge of the Allahabad High Court who declined to entertain the writ petition filed by him against the appellate order passed by Deputy Commissioner, Food and Supplies, Agra Division, Agra.

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Although, we have serious doubt about correctness of the view expressed by the learned Single Judge on the issue of petitioner's locus standi to file writ petition in the matter of cancellation of the licence of Fair Price Shop, we do not consider it necessary to entertain the special leave petition because the petitioner has not been able to show that the finding recorded by the Deputy

Commissioner on the legality of the cancellation order suffers from any legal flaw. A reading of the Deputy Commissioner's order makes it clear that the order of cancellation of licence was passed by Sub Divisional Magistrate, Jasarana in gross violation of the rules of natural justice, inasmuch as the notice of hearing was actually delivered on 20.12.2008, but it was shown as delivered on 29.11.2008 by making an interpolation in the date and an ex parte order for cancellation of licence was passed on 15.12.2008.

With the above observation, the special leave petition is dismissed.

However, the question whether a person like the petitioner has locus standi to challenge the order passed by the Competent Authority or Appellate Authority for grant or cancellation of licence of Fair Price Shop, is left open to be decided in an appropriate case.

(S. Thapar)
P.S. to Registrar

(Mithlesh Gupta)
Court Master