

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4455 OF 2016

(Arising out of SLP (C) No. 25966 of 2015)

MOOL CHAND SHARMA

... Appellant

VERSUS

STATE OF U.P. & OTHERS

... Respondents

O R D E R

Leave granted.

While issuing notice in this matter on 07.09.2015, the following order was passed:

"Delay condoned.

Issue notice, returnable within four weeks limited to the issue as to whether matter needs to be remitted back to the High Court to consider the writ afresh on merit as the High Court has not considered various submissions argued before it."

It is not necessary to reproduce various submissions of the appellant by which he challenged the cancellation of his license for the fair price shop by the respondent authorities. What we find from the impugned order is that the High Court has not dealt with any of the contentions raised and it would, therefore, be appropriate to set aside the order of the High Court and remit the case to the High Court for hearing the matter afresh and deciding the same by a detailed order. The appeal is allowed in the aforesaid terms.

We are informed that after the cancellation of the

license of the appellant, the respondents have not allotted the said fair price shop to any person. In these circumstances, the appellant makes a prayer that during the pendency of the proceedings before the High Court, he may be allowed to run the fair price shop and he would not claim any equity. It would be apposite for the appellant to make such a request before the High Court.

In any case, we are of the opinion that the matter be decided by the High Court expeditiously.

....., J.
[A.K. SIKRI]

....., J.
[R.K. AGRAWAL]

New Delhi;
April 26, 2016.

ITEM NO.5

COURT NO.12

SECTION XI

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 (C) No. 25966/2015

(Arising out of impugned final judgment and order dated 02/12/2014 in CMWP No. 29209/2012 passed by the High Court Of Judicature at Allahabad)

MOOL CHAND SHARMA

Petitioner(s)

VERSUS

STATE OF U.P. & OTHERS

Respondent(s)

(With office report)

Date : 26/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. Deepak Anand, Adv.
Dr. B. K. Jauhari, Adv.
Ms. Purnima Jauhari, Adv.

For Respondent(s)

Mr. Vikrant Yadav, Adv.
Mr. Gaurav Dhingra, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(Nidhi Ahuja)
Court Master

(Tapan Kr. Chakraborty)
Court Master

[Signed order is placed on the file.]