



CF 1001 (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 17 OF 2000

BETWEEN

Inderpal Ajmani S/o Late Shri Balbir Singh Ajmani, aged about 36 years, C/o Night Queen Bar, G.E. Road, Raipur (Chhattisgarh).

PETITIONER

A ND

1. State of Madhya Pradesh,
Through the Secretary Commercial Tax,
Vallabh Bhawan, BHOPAL (MP).
2. The Collector, Raipur,
District Raipur (Chhattisgarh).
3. The Commissioner,
Municipal Corporation, Raipur,
District Raipur (Chhattisgarh).
- The Excise Officer,
Raipur, District Raipur,
Chhattisgarh.

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE
CONSTITUTION OF INDIA

Filed on 13-11-2000
Shri P. D. D. D. D.
Advocate
R/o A.P.

Writ Petition No.

मामला क्रमांक 17/2000. सन् 200

आदेश पत्रक (पूर्वानुबन्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों के अंतिम
	Before: Hon.Mr.Justice W.A.Shishak, C.J. 25.1.2001. Shri P.Diwakar, learned counsel for the petitioner. Dr. N.K.Shukla, learned Dy.Advocate General for the State. Shri M. Shrivastava, learned counsel for Municipal Corporation, Raipur. Heard Shri P.Diwakar, learned counsel for the petitioner, Dr. Shukla, learned Dy. Advocate General for the State and also heard Shri M.Shrivastava, learned counsel for the Municipal Corporation. 2. Though various issues have been raised in this petition, ^{but} after hearing counsel representing the parties at some lengths, I am of the view that it is not necessary for me to decide every issue that has been raised inasmuch as in my view the question as to whether before the licence of the petitioner was cancelled on 7.11.2000, he was given an opportunity of being heard. ^{Should be decided} Specific plea has been raised by the petitioner that he was notified to appear before the Secretary, Excise Department and he in response to such notice, went	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

High Court of Chhattisgarh, Bilaspur.

Writ Petition No.17/2000.

मामला क्रमांक

सन् 200

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	-2- to the office of the Secretary on 30th August, 1999, on which date, however, the Secretary was out of station. No further date was given to him. It may be stated that he duly filed reply in his office. He was not notified further. However, it came to light that the Secretary issued certain directions to the Collector for cancellation of the licence issued in favour of the writ-petitioner. Annexure R/8 of the reply filed on behalf of the respondents indicates that a letter was addressed to the Excise Commissioner that the matter had been decided by a Sub-Committee of the Council of Ministers that the licence be cancelled. According to Dr. Shukla, consequent to such decision cancellation was done. Whether the order of cancellation of licence, issued on 7.11.2000 as a result of the decision of the Sub-Committee, as mentioned in the letter referred to above, or as per directions of the Secretary, issued to the Collector and the Collector's directions to the Commissioner of the Corporation, it appears to me that there is no	

~~उच्च न्यायालय, छत्तीसगढ़, बिलासपुर~~

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मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	-3- material as regards affording any opportunity to the writ-petitioner before such drastic action was taken. If that be so, in my view, ^{future} no notice to the writ petitioner before the order of cancellation was issued, would ^{cut} at the very root ^{of the case}. On this sole ground, I am of the view that the impugned order of cancellation of licence cannot stand. Accordingly, the impugned order of cancellation dtd.7.11.2000 is set aside. 3. To be fair to all concerned, I would however give opportunity to the respondents to issue fresh notice, if so advised, why the licence issued in favour of the writ-petitioner should not be cancelled. In such event, it is made clear that the petitioner shall be given every opportunity of being heard so as to enable him to defend himself adequately. 4. This petition is disposed of accordingly. 5. Certified copy today.	

Sd/-
Chief Justice