

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1364 (M/B) 2001
(Old No. 3887 of 2000)

Smt. Chandra Kanta W/o Vinod Sharma Govt. Fair Price Shop keepere, Anand bagh Haldwani, Distt. Nainital	Petitioner
Versus	
State of U.P. through Collector, Nainital and one another.	Respondents

Mr. Anurag Bisaria, Advocate for the petitioner
Mr. K.P. Upadhayaya, Advocate for the respondents.

Coram: Hon. S.H. Kapadia, C.J.
Hon. Irshad Hussain, J.

Date: 30.08.2003:

PC:

On 24.4.1995, fair price shop was allotted to the petitioner. Under the terms and conditions of allotment, the petitioner was required to supply suger and kerosene oil to the police mess and to jail inmates. On 6.1.2000, the licence was cancelled by the District Supply Officer on the ground that the petitioner was indulging in black marketing.

The petitioner has not exhausted alternate remedy till today. He is directed to file an appeal to the Commissioner. It is not possible for this Court to go into the disputed facts under Article 226 of the Constitution. The petitioner will file an appeal within four weeks from today. On receipt of memo of appeal, the Commissioner will decide the appeal in accordance with law within eight weeks from the date of receipt of the memo of appeal. During the pendency of appeal before the Commissioner, the interim order passed by the Allahabad High Court dated 24.1.2000 will continue to operate. The petitioner will continue to comply with the terms and conditions of her licence. The Commissioner will also ascertain whether the petitioner has been supplying the kerosene oil and sugar to the jail inmates and to police.

Subject to above, the writ petition is disposed of.

(Irshad Hussain, J.) (S.H. Kapadia, C.J.)

AK: