

HON'BLE MR JUSTICE T VAIPHEI

Heard Mr M Singh, the learned counsel for the petitioner and Ms VL Singh, the learned GA, appearing for the State respondents. The material facts prompting the petitioner to file this writ petition, in brief, are that the District Magistrate, Barpeta issued the licence bearing No. BMJ-3/89/183-A dated 14.11.98 to him for selling of Stamp Papers, Court Fees, etc. and this licence had been extended from time to time till 31.12.2008 when the impugned order was issued. From the tone and tenor of the averments made by the petitioners reading with the affidavit-in-opposition filed by the State respondents, there can be no dispute that the selling of Stamp Paper, Court Fees etc. are the source of his livelihood. On the basis of the serious allegations made against him of selling fake Stamp Papers, Court Fees, etc., the impugned order has been issued by the District Magistrate, Barpeta. It is the admitted position of the parties that before issuing the impugned order, the petitioner was never given an opportunity of being heard.

It is, however, contended by the learned State counsel by pointing out paragraph 3 of the affidavit-in-opposition that the petitioner had been arrested on three occasions under Sections 420/471/474/34 IPC read with Section 69 of Indian Stamp Act, 1899. When an allegation of grave nature had been made against him time and again, the impugned order is well justified and ought not to be interfered with by this Court. Be that as it may, when my finding is that the petitioner was not given an opportunity of hearing, the impugned action contravenes the principles of natural justice thereby violating the Article 14 of the Constitution of India. As the petitioner has been charged with serious offences, I am not inclined to set aside the impugned order in exercise of my equity jurisdiction: nevertheless, the case of the petitioner needs to be reconsidered by the District Magistrate, Barpeta in accordance with law. In this connection, the petitioner has already submitted his representation dated 14.07.2008 to the Deputy Commissioner, Barpeta District/District Magistrate, Barpeta District for continuation of his licence. In the result, this writ petition stands disposed of by directing the District Magistrate, Barpeta District to reconsider the impugned order in accordance with law and after taking into the account the representation dated 14.7.2008 (Annexure 9) to the writ petition and thereafter take a decision within a period of three months from the date of receipt of this order.

The petitioner will obtain a certified copy of this order at his own cost and expense and submit the same to the District Magistrate, Barpeta together with a copy of this writ petition with its annexures within fifteen days.