

WPMS No.3233 of 2015

Hon'ble U. C. Dhyani, J.

Mr. D. P. Rajbhar, Advocate present for the petitioner.

Mr. Vipul Sharma, Advocate present for the respondents.

By means of present writ petition, the petitioner seeks to issue a writ in the nature of certiorari quashing the impugned order dated 15.09.2015 passed by the respondent no.2.

Learned counsel for the respondents placed a letter dated 27.08.2015 before this Court to show that the Annexure-12, which is the basis of present writ petition, was never issued by the District Magistrate, Firozabad or by his subordinate officer. It was observed by Hon'ble Supreme Court in the **State of Chhattisgarh & others vs. Dhirjo Kumar Sengar, (2009) 13 SCC 600** that fraud, as is well known, vitiates all solemn acts. It was further observed by Hon'ble Supreme Court that:

"21. In these cases, requirement to comply with the principles of natural justice has been emphasized. The legal principles carved out therein are unexceptional. But, in this case, we are concerned with a case of fraud. Fraud, as is well known, vitiates all solemn acts. [See Ram Chandra Singh v. Savitri Devi and Others (2003) 8 SCC 319, Tanna & Modi v. CIT, Mumbai XXV and Others (2007) 7 SCC 434 and Rani Aloka Dudhoria and others v. Goutam Dudhoria and others, JT 2009 (3) SC 616. The High Court, therefore, must be held to have committed a serious error in passing the impugned judgment."

At this stage, learned counsel for the petitioner has emphasized the requirement of principle of natural justice before passing the impugned order and further prayed that the respondent no.1 be directed to decide the

representation of the petitioner, in accordance with law, at the earliest. Learned counsel for the respondents has no objection, if such direction is issued to the respondent no.1.

In view of above, the writ petition is disposed of at the admission stage itself by directing that if the petitioner moves a representation before the respondent no.1, enumerating his complete case, within a week from today, the respondent no.1 shall consider and decide the same, by a speaking and reasoned order, in accordance with law, at an early date, but not later than four weeks from the date of receipt of the representation alongwith a certified copy of this order.

Let a certified copy of this order be supplied to learned counsel for the petitioner today itself, on payment of usual charges.

(U. C. Dhyani, J.)

Dated 23.12.2015

Rawat