

Serial No.01
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 337 of 2019

Date of Order: 28.08.2019

Shri. Raj Kumar Pradhan Vs. K.H.A.D.C. & Ors.

Coram:

Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. S.Dey, Adv.

For the Respondent(s) : Mr. B.B.Narzary, Sr. Adv.

ORAL

1. The prayer in this writ petition filed under Article 226 of the Constitution of India is for quashing the action of the respondents whereby there has been illegal closure / shutting down of petitioner's shop which is in violation of principles of natural justice.

2. The petitioner claims that he had opened a stationery shop for survival in the year 2004 and has been operating since then. It is the case of the petitioner that on 12-06-2019, petitioner's shop was closed by the Khasi Hills Autonomous District Council due to non-availability of Trading License.

3. Learned counsel for the petitioner stated that a request to allow reopening of the shop and for granting a regular Trading License had been made to respondent No.1. However, the same was not entertained for want of No Objection Certificate (NOC) from respondent No.3. Accordingly, it was pointed out that on 23-07-2019, a representation had been submitted to respondent No.3, however, he refused to entertain the same.

4. Mr. B.B.Narzary, Sr. Advocate has put in appearance on behalf of respondents No. 1 & 2 and submitted that if NOC is issued by respondent No. 3, respondent No. 1 has no objection to reopen the shop.

5. After hearing learned counsel for the parties, without expressing any opinion on the merits of the controversy, writ petition is disposed of by permitting the petitioner to file a detail and comprehensive representation to respondent No.3 within a week from the date of receipt of certified copy, as the earlier representation submitted on 23-07-2019 Annexure-4, as urged, had not been accepted by respondent No. 3. It is however, directed that in case such representation is filed, the same shall be disposed of by respondent No. 3 within next seven days by passing a speaking order after affording opportunity of hearing to the petitioner in accordance with law.

6. Disposed of as such.

(Ajay Kumar Mittal)
Chief Justice

Meghalaya
28.08.2019
"Samantha PS"

