

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.9550 of 2023

Decided on: 29.12.2023

Rajeev Singh

... Petitioner.

Versus

State of Himachal Pradesh & others

... Respondents.

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting? Yes

For the petitioner: Mr. Sanjeev Kumar Suri, Advocate.

For the respondents: Mr. Anup Rattan, Advocate General, with
Mr. Pushpinder Jaswal, Additional Advocate
General.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*,
prayed for the following relief:

“(i) That the impugned order dated 16-11-2023
(Annexure P-6) may kindly be quashed and set aside
with further directions to the respondents to allow the
petitioner to run the Grand Epic Guest House and
Restaurant at Lakhanpur, District Kangra, H.P.”

2. The grievance of the petitioner is that in terms of
Annexure P-6, dated 16.11.2023, an order has been passed by the
Prescribed Authority, in terms whereof, the name of the petitioner-
Unit has been removed from the register maintained under the
Himachal Pradesh Tourism Development and Registration Act, 2002
and the Registration Certificate has been cancelled with immediate
effect.

3. On a query put to learned counsel for the petitioner on
Whether reporters of the local papers may be allowed to see the judgment?

the previous date of hearing, as to why the petitioner has not availed the statutory remedy available to him, he has informed the Court that as per the provisions of the statute in issue, an order passed by the Prescribed Authority is appealable before Director, Tourism, to the Government of Himachal Pradesh, however, a perusal of the impugned order is suggestive of the fact that the impugned order was passed by the Prescribed Authority on the direction of Director of Tourism. On this count, this Court has entertained this Writ Petition.

4. During the course of hearing of this petition, amongst other points urged by learned counsel for the petitioner, he had raised the issue that the impugned order was passed by the Prescribed Authority at the back of the petitioner without adhering to the principles of natural justice.

5. Accordingly, on 22.12.2023, this Court has passed the following order:-

“Learned Additional Advocate General has not been able to produce any notification in terms whereof the revisional authority has been prescribed.

As prayed for by learned Additional Advocate General, the case is ordered to be listed on 28.12.2023, to enable him to inform the Court as to whether any show cause notice was issued to the petitioner before issuance of order dated 16.11.2023.”

6. Today, Additional Advocate General on the strength of

the instructions received from District Tourism Development Divisional Officer, Kangra at Dharamshala has informed the Court that no show cause was issued to the petitioner prior to cancellation of the Registration Certificate. That being the case, this Court is of the considered view that the Writ Petition is entitled to be allowed on this ground only.

7. It is settled law that no order which has civil consequences as far as a party is concerned, can be passed at its back without adhering to the principles of natural justice. (See: *D.K. Yadav vs J.M.A. Industries, 1993 (3) Supreme Court Cases 259*).

8. Accordingly, this Writ Petition is disposed of by setting aside order dated 16.11.2023 Annexure P-6), on the ground that the same was passed by the Prescribed Authority without adhering to the principles of natural justice. As a natural corollary thereof, the information in terms of Annexure P-5 shall also be removed forthwith by the Authorities concerned. However, setting aside of the order shall not come in the way of the Authorities concerned to proceed against the petitioner, if so advised, but strictly in accordance with law. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

December 29, 2023
(Rishi)