

Arjun Ghosh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Apr-05-2013

Appellant : Arjun Ghosh

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. A.K.Rawat

Judgement :

1 W.P.No.4742/2013 5/4/2013: Shri A.K.Rawat, learned counsel for the petitioner.

Shri Rajesh Tiwari, learned Govt.

Adv.for the respondents on advance notice.

Challenging the orders passed by the Sub Divisional Officer, Jatara as contained in Annexure P/3 dated 23.7.2010 cancelling the license to run a fair price shop and the order Annexure P/5 dated 20.12.2010 passed by the Appellate Authority namely the Collector, Tikamgarh rejecting the appeal of the petitioner on the ground of want of prosecution, petitioner has filed this writ petition.

Even though various grounds are made on merit with regard to order of cancellation but the fact remains that appeal filed by the petitioner has not been adjudicated on merits, only it has been dismissed for want of prosecution.

It is seen that counsel was entrusted with the matter and in the absence of information from the counsel, the appeal was dismissed for want of prosecution, therefore, petitioner has approached this Court for interference.

Taking note of the fact that appeal of the petitioner has been dismissed for want of prosecution and there is no decision on the merits, interest of justice requires that appeal should be decided on merits as its dismissal for want of prosecution is not proper.

Keeping in view the aforesaid, this petition is allowed.

Order passed by the Collector dated 20.12.2010 is quashed and the matter is remanded back to the Collector with a direction to consider and decide the appeal in accordance to law after 2 hearing all concern.

On the petitioner's appearing and filing a certified copy of this order along with relevant documents and filing the same on 15.4.2013, the Collector shall hear and decide the appeal in accordance to law on or before 31.5.2013.

With the aforesaid, this petition stands allowed and disposed of.

c.c.as per rules.

(Rajendra Menon) Judge Mrs.mishra

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