

The short question raised in this petition is the Sub Divisional Magistrate was right in cancelling the license to run a fair price shop issued in favour of the petitioner as affirmed by the Commissioner in appeal under the provisions of the U.P. Scheduled Commodities Distribution Order, 2004 read with the Government order dated 28.10.2002. The petitioner was granted a licence to run a fair price shop under the Government order dated 28.10.2002 which was then prevalent in the year 2003.⁸⁰ This was done according to the petitioner under a valid resolution of the council to run the shop in the village in question. The charges of misdistribution were brought against him coupled with the charge of having concealed the fact that his father was already a licence holder of a fair price shop of another village which disqualifies the petitioner for a licence under Clause 10 of the Government order dated 28.10.2002. An enquiry was conducted with opportunity to

the¹⁶⁰ petitioner who went on to urge that since he was living separately from his father, he did not suffer any such disqualification as alleged aforesaid. It was also contended by the petitioner in his reply that the documents which he wanted to support his stand were lost on his way to the Sub Divisional Magistrate's office. Relying on the extract of the family register, it was pleaded that the petitioner's family has been shown separately and it is urged that²⁴⁰ the conclusions drawn by the Sub Divisional Magistrate as affirmed by the Commissioner are erroneous. The prayer is to accordingly quash the impugned orders as they proceed on erroneous assumption of law and fact. Learned counsel for the petitioner has reiterated the submissions that were advanced before the authorities below and has invited the attention of the Court to the extract of the family register appended to this writ petition to support the stand of segregation of the family status of the petitioner.³²⁴