



2026:UHC:4095

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2307 of 2024

25 May, 2026

Mukesh Kumar

--Petitioner

Versus

State Of Uttarakhand & others

--Respondents

Presence:-

Mr. Amar Murti Shukla, learned counsel for the petitioner.

Mr. V.D. Bisen, learned Standing Counsel for the State.

Hon'ble Pankaj Purohit, J. (Oral)

By means of the present writ petition, petitioner has put to challenge the order dated 19.11.2018, annexure-6 to the writ petition, passed by respondent no.3-District Magistrate, District Udham Singh Nagar, as well as the appellate order dated 22.07.2024, annexure-9 to the writ petition, whereby the appeal preferred by the petitioner was also dismissed and the order of the learned District Magistrate was affirmed.

2. It is the sole contention of learned counsel for the petitioner before this Court that the order passed by the District Magistrate does not contain signature of the District Magistrate on any of the pages, therefore, this is no order in the eye of law. It is also contended that the said argument was advanced before the appellate authority, learned Commissioner, Kumaon Division, Nainital, but not in so many words, stating that the order passed by the District Magistrate is not an order passed by the District Magistrate, rather, it was passed by the District Supply Officer, Udham Singh Nagar, who has no jurisdiction to pass such an order.



3. At this argument, this Court, vide order dated 05.05.2026, directed the State Counsel to produce the original record before this Court and also directed the dealing clerk from the Office of the District Magistrate, Udham Singh Nagar to remain present before this Court along with the original record of the aforesaid matter.

4. In compliance with the earlier order, Mr. Malkit Singh, dealing Clerk from the Office of the District Magistrate, Udham Singh Nagar, appeared before this Court on 15.05.2026 and produced the original record. On the request made by learned State Counsel, the case was adjourned for today, i.e. 25.05.2026, enabling learned State Counsel to go through the record and apprise the Court on the next date fixed.

5. Today, learned State Counsel admits that though the impugned order dated 19.11.2018 passed by the District Magistrate, Udham Singh Nagar, does not contain his signature on any of the pages, but the order has been forwarded by the District Supply Officer, Udham Singh Nagar, to the petitioner under his signature, therefore, there is no illegality as such in the matter.

6. Having heard learned counsel for the parties and perusal of the record, this Court is of the view that once the order has not been signed by the District Magistrate, who is the only authority competent to cancel the fair price shop licence of the petitioner under the Government Order, such order cannot sustain and is liable to be quashed at the threshold.

7. In such view of the matter, the writ petition is allowed. The order dated 19.11.2018, annexure-6 to the writ petition, passed by respondent no.3-District Magistrate, District Udham Singh Nagar, as well as the appellate order dated 22.07.2025, annexure-9 to the writ



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petition, are hereby quashed. However, the District Magistrate, U.S. Nagar, is given liberty to pass fresh order in accordance with law.

8. The record produced before this Court is returned back to the learned State Counsel. The same is handed over to Mr. Malkit Singh, dealing Clerk, who is present before this Court.

9. The personal appearance of Mr. Malkit Singh, dealing Clerk, is hereby exempted.

10. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
25.05.2026

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