

Court No. - 6

Case :- WRIT - C No. - 27412 of 2023

Petitioner :- Bindu Tiwari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Saif Ullah

Counsel for Respondent :- CSC

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Saif Ullah, learned counsel for the petitioner and learned Standing Counsel for the respondent-State.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 22.06.2023 passed by respondent no.3 and a further prayer to direct the respondents authorities to restore the license of fair price shop dealer in favour of the petitioner of Gram Panchayat-Salempur Kuwar, Block-Parasrampur, Tehsil-Harraiya, District-Basti.

At the very outset, learned Standing Counsel has pointed out that there is an alternative remedy of filing appeal before the competent authority against the cancellation of fair price shop license.

On the aforesaid being pointed out, learned counsel for the petitioner requests that the petitioner may be permitted to file an appeal and a direction may be issued to expedite the same within stipulated period.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** with a direction to the petitioner to file appeal before the competent authority within three weeks from today along with a certified copy of this order and, if any such appeal is filed, the competent authority shall make all endeavours to consider and decide the same, ignoring the delay and laches, if any, after giving opportunity of hearing to all the parties, in accordance with law, by a reasoned and speaking order within a period of four months from the date of filing appeal.

It is made clear that this Court has not examined the merits of the claim of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 19.10.2023

Jitendra/-