

Court No. - 6

Case :- WRIT - C No. - 29082 of 2023

Petitioner :- Gram Sabha Patkhauri Raja

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Pankaj Kumar Gupta

Counsel for Respondent :- C.S.C., Ashutosh Pandey, Shiv Ram Dubey

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Counsel for the State-respondents.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 22.05.2023 passed by Deputy Commissioner (Food), Basti Region, Basti in Case No.318 of 2021 (Smt. Aarti Devi vs. Joint Magistrate/Sub Divisional Magistrate, Harraiya, District-Basti) (Computerized No. C202117000000318), under Section 13(1) of U.P. Essential Commodity (Sale and Control of Distribution), Act 2016.

Learned counsel for the petitioner submits that the petitioner being Pradhan has filed an objection and without considering which, the impugned order has been passed restoring the fair price shop license of the respondent no.3.

On the other hand, learned Standing Counsel submits that the petitioner has no locus to file such compliant, therefore, this petition is not maintainable. In support of his contention, he has relied upon the Full Bench judgment of this Court in the case of ***Vivekanand Yadav vs. State of U.P. and another reported in 2010(10) ADJ 1 (FB)*** and the judgment of Co-ordinate Bench of this Court in the case of ***Narendra Kumar vs. State of U.P. and Ors. reported in 2013(1) ADJ 228.***

In view of the above, the petitioner being complainant has no locus to file the petition.

Accordingly, the writ petition is **dismissed** as not maintainable.

Order Date :- 11.12.2023

Jitendra/-