

Court No. - 6

Case :- WRIT - C No. - 34516 of 2023

Petitioner :- Foolmati

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

Counsel for Petitioner :- Ramesh Kumar Patel, Ram Mani Upadhyay

Counsel for Respondent :- C.S.C., Pankaj Kumar Gupta

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard Mr. Ramesh Kumar Patel, learned counsel for the petitioner, Mr. Pankaj Kumar Gupta, learned counsel for the respondent no.4 and learned Additional Chief Standing Counsel for the State-respondents.

The writ petition has been filed inter alia for the following relief:-

"i. Issue a writ, order or direction in the nature of certiorari to call for the record of the case and to quash the order dated 31.05.2023 passed by respondent no.2 allowing the appeal filed by respondent no.5.

ii. Issue a writ, order or direction in the nature of mandamus direction the respondent authorities to cancel the license of the fair price shop of the respondent no.5 in village Pipari Bujurg, Block and Tehsil Itwa, District-Siddharth Nagar.

....."

Brief facts of the present case are that the respondent no.5 had been granted a license of fair price shop for the concerned gram panchayat and on the basis of the complaint, the said license granted to the respondent no.5 was cancelled vide order dated 31.01.2022 passed by respondent no.5. Thereafter, against the aforesaid order dated 31.01.2022, an appeal was filed, which was allowed vide order dated 31.05.2023 passed by respondent no.2. Hence, the present writ petition has been filed by the petitioner challenging the order dated 31.05.2023.

At the very outset, learned Standing Counsel has raised a preliminary objection to the effect that the petitioners are complainant and have no locus to file writ petition. Even

otherwise, the petitioner, who is card-holder, is not an aggrieved person in order to challenge the impugned order dated 31.05.2023 passed by respondent no.2, therefore, the present writ petition is not maintainable and the same is liable to be dismissed.

Considering the reasons recorded by this Court in the case of ***Lakkhi Sonkar vs. State Of U.P. and 5 Others; decided on 18.09.2023*** passed in Writ-C No. - 11528 of 2023 on the point in issue, the petitioner, who is a card holder/complainant has got no right to challenge the impugned order dated 31.05.2023 passed by the respondent no.2; Commissioner Basti, Region Basti by which license of fair price shop for the concerned Gram Panchayat has been re-allotted to the respondent no.5.

With the aforesaid observations, the writ petition lacks merit and is, accordingly, ***dismissed***.

No order as to costs.

Order Date :- 16.10.2023

Jitendra/-