

Court No. - 6

Case :- WRIT - C No. - 33168 of 2023

Petitioner :- Adinarayan

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Tinku Singh,Vijay Singh Gour

Counsel for Respondent :- C.S.C

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Tinku Singh, learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The writ petition has been filed by the petitioner with the following prayer :-

"I- Writ, order or direction in nature of mandamus directing/commanding respondent no.2 to decide the pending stay application dated 22.08.2023 filed alongwith Appeal being case no.1813 of 2023 (Adinarayan vs. Uttar Pradesh Sarkar Etc) under order 28 of Uttar Pradesh Scheduled Commodities Distribution Order, 2004 (Annexure No.10).

II- Writ, order or direction in nature of mandamus directing/commanding respondent no.4 no to allot fair price shop in question till disposal stay application dated 22.08.2023 filed alongwith Appeal being case no.1813 of 2023 (Adinarayan Vs. Uttar Pradesh Sarkar Etc) under order 28 of Uttar Pradesh Scheduled Commodities Distribution Order, 2004 pending before respondent no.2 (Annexure No.10).

....."

Learned counsel for the petitioner submits that a stay application dated 22.08.2023 filed alongwith Appeal bearing Case No.1813 of 2023 before respondent no.2-Additional Commissioner, Kanpur Mandal, Kanpur is still pending, therefore, a direction may be issued to the respondent no.2 to decide the same, as expeditiously as possible. He submits that a further direction may be issued to respondent no.4 not to allot the fair price shop in question till disposal of the said

application.

Learned Standing Counsel has no objection to the same.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

Considering the facts and circumstance of the case, the present writ petition is **disposed off** by providing that the respondent no.2-Additional Commissioner, Kanpur Mandal, Kanpur shall first consider and decide the stay application filed along with the appeal by the petitioner, in accordance with law, within a period of **one month** from the date of production of certified copy of this order. After deciding the stay application, respondent no.2-Additional Commissioner, Kanpur Mandal, Kanpur shall also decide the appeal, strictly in accordance with law, after giving opportunities of hearing to the parties concerned, by means of a reasoned and speaking order, preferably within a period of **four months**, if there is no legal impediment.

Order Date :- 26.10.2023

Kalp Nath Singh