

Court No. - 6

Case :- WRIT - C No. - 32812 of 2023

Petitioner :- Smt. Malti Devi

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Pulak Ganguly

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

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

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 04.08.2023 passed by the Joint Commissioner (Food & Supply Department) Gorakhpur Division Tehsil & District Gorakhpur (respondent no. 2) and further direct the respondents not to permit the petitioner to run the fair price shop situated in Gram Panchayat Bhatni Khas, Vikas Khand Bhatni, Tehsil Salempur, District Deoria till the decision of Case (Appeal) No. 1017 of 2023.

At the very outset learned counsel for the petitioner submits that an appeal filed against the cancellation of license of fair price shop is pending, therefore, a direction may be issued to respondent no.2 to decide the appeal of the petitioner within stipulated period.

The learned Standing Counsel has no objection to the submission made by the counsel for the petitioner.

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

Without entering into the controversy involved in the writ petition, the writ petition is disposed of with a direction to respondent no. 2 to decide the aforesaid appeal in accordance with law after giving opportunity of hearing to the parties concerned, by means of a reasoned and speaking order, expeditiously preferably within a period of three months from the date of production of a certified copy of this order, if there is no legal impediment.

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 :- 28.11.2023/Arti