

Court No. - 6

Case :- WRIT - C No. - 33976 of 2023

Petitioner :- Gyan Chandra Keshari

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

Counsel for Petitioner :- Adarsh Kumar Pandey, Saurabh Srivastava

Counsel for Respondent :- C.S.C., Mahesh Sharma

Hon'ble Mrs. Manju Rani Chauhan, J.

Ref: Order on Impleadment Application

Learned counsel for the petitioner filed counter affidavit to impleadment application in the Court today, is taken on record.

The impleadment application has been moved on behalf of the subsequent allottee-Ravi Kant Shukla.

The impleadment application is **allowed** in view of the decision in the case of ***Ram Kumar v. State of U.P. and others, 2023 (158) RD 625 : 2022 SCC OnLine SC 1312***, as the subsequent allottee has the right to be heard.

Learned counsel for the petitioner is permitted to implead the name of Mr. Ravi Kant Shukla. the subsequent allottee, as respondent no.4 during course of the day.

Order on Writ Petition

Heard Mr. Saurabh Srivastava, learned counsel for the petitioner, Mr. Mahesh Sharma, learned counsel for respondent no.4-Ravi Kant Shukla and learned Standing Counsel for the State-respondents.

With the consent of learned counsel for the parties, this writ petition is being finally disposed off at this stage without calling for a counter affidavit.

The petition has been filed by the petitioner with the prayer to quash the order dated 05.04.2023 vide which stay application filed in appeal against cancellation of fair price shop license has been rejected and a further prayer to direct respondent no.2 to decide the appeal so filed within stipulated period.

Learned counsel for the petitioner submits that the stay application filed by the petitioner in the appeal has been rejected in an illegal manner on wrong facts, therefore, a

direction may be issued to respondent no.2 to decide the said appeal, within a stipulated period.

Perusal of the order goes to show that the medical application as produced by the petitioner was a forged one. The allegations against the fair price shop dealer are serious in nature; therefore, no interim orders could have been passed in his favour. Even otherwise, the shop in question has already been allotted to the newly impleaded respondent, in accordance with law.

Learned Standing Counsel as well as learned counsel for respondent no.4 has no objection to the same.

In view of the above, there is no interference required by this court.

Considering the facts and circumstance of the case and without expressing any opinion on the merits of the case, this writ petition is finally **disposed off** with a direction to the respondent no.2-Joint Commissioner (Food) Prayagraj Division, Prayagraj to decide the aforesaid appeal of the petitioner, and pass appropriate order, in accordance with law, by means of a reasoned and speaking order, after giving opportunities of hearing to the parties concerned, including the subsequent allottee, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, preferably within a period of **three months**, from the date of production of certified copy of this order, if there is no legal impediment.

Order Date :- 1.12.2023

Kalp Nath Singh