

Court No. - 6

Case :- WRIT - C No. - 36769 of 2023

Petitioner :- Hari Pratap Singh

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

Counsel for Petitioner :- Vinod Shankar Tripathi, Vijai Shanker Tripathi

Counsel for Respondent :- C.S.C., Azad Rai

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 direct the respondent authority to decide the representation/objection moved by the petitioner and a further prayer to quash the letter dated 23.05.2023 issued by Sub-Divisional Magistrate, Tehsil-Phoolpur, Prayagraj.

Learned counsel for the petitioner submits that earlier in the year 1995, the fair price shop in question was allotted in favour of one Urmila Devi as according to the government order, the allotment was to be made to the person belonging to Scheduled Caste Category. Recently, fresh proceedings have been initiated for allotment of shop in question in violation of the guidelines as issued by the Government Order dated 05.08.2019. Therefore, a representation/application has been moved before the respondent no.3 to look into the grievance of the petitioner, which is pending. Learned counsel for the petitioner has given up the second prayer and confined his prayer only with regard to prayer no.1 and stated that a direction may be issued to respondent no.3 to decide the representation/application of the applicant within stipulated period.

Learned Standing Counsel has no objection to the aforesaid submission.

In view of the aforesaid, no useful purpose will be served to keep this writ petition pending and calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** with a direction to the petitioner to file

afresh representation/application before the respondent no.3-Sub-Divisional Magistrate, Phoolpur, Prayagraj, within three weeks from today along with a certified copy of this order and, if any such application is filed, the respondent no.3 shall make all endeavours to consider and decide the same after giving opportunity of hearing to all the parties expeditiously, in accordance with law, by reasoned and speaking order, preferably within a period of one month from the date of receipt of the said application.

It is made clear that this Court has not examined the merits of the case of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 9.11.2023

Jitendra/-