

Court No. - 6

Case :- WRIT - C No. - 39055 of 2023

Petitioner :- Sudhakar Singh

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Praveen Kumar Singh

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 respondent-State.

This writ petition has been filed by the petitioner with a prayer to quash the impugned order dated 05.11.2022 passed by respondent no.4 and a further prayer to direct the respondents to restore the fair price shop relating petitioner as earlier of gram panchayat Devri Beni, Block-Shankargarh, Tehsil-Bara District-Prayagraj, in view of the order dated 21st June 2023.

Learned counsel for the petitioner submits that the petitioner was allotted fair price shop of Gram Panchayat-Devri Beni, Block-Shankargarh, Tehsil-Bara, District-Prayagraj on 15.11.2002. On some complaint, an FIR dated 17.05.2020. After inquiry, the fair price shop license of the petitioner was canceled on 24.08.2020. He further submits that after investigation, final report has been submitted, therefore, the allegation as made against the petitioner are not found to be true and the cancellation order is bad. He further submits that the fair price shop in question has been allotted to some other person vide order dated 05.11.2022, which is under challenged in the present writ petition.

Learned Standing Counsel submits that the cancellation order dated 24.08.2020 has not been challenged. The final report as submitted has not been accepted by the competent court, therefore, the same cannot be ground for challenging the allotment order dated 05.11.2022 passed by the respondent no.4 in favour of respondent no.7. Even otherwise, against the cancellation order, there is a provision of filing an appeal before the competent authority.

To the aforesaid, learned counsel for the petitioner requests that the petitioner may be permitted to file an appeal and a direction may

be issued to expedite the same within stipulated period.

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 appeal before the competent authority within three weeks from today along with a certified copy of this order and, if any such appeal is filed, the competent authority shall make all endeavours to consider and decide the same, ignoring the delay and laches, if any, after giving opportunity of hearing to all the parties, in accordance with law, by a reasoned and speaking order as expeditiously as possible.

Order Date :- 12.12.2023

Jitendra/-