

Court No. - 40

Case :- WRIT - C No. - 40257 of 2023

Petitioner :- Dinesh Kumar

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

Counsel for Petitioner :- Ashutosh Upadhyay

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ashutosh Upadhyay, learned counsel for the petitioner and Shri Devesh Vikram, learned Additional Chief Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioner has prayed for the following reliefs :-

"(i) issue a writ, order or direction in the nature of certiorari to quash impugned order dated 22.02.2023 passed by the Additional District Magistrate (Finance & Revenue), District-Jaunpur.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent no. 4 to inquire the distribution of essential commodities and pass a fresh order."

3. At the very outset, Shri Devesh Vikram, learned ACSC raised an objection regarding the maintainability of the writ petition on the ground that against the order impugned, the petitioner has got efficacious remedy to file an appeal under Section 5 of the Food Security Act 2006. He submits that, once the efficacious remedy is available to the petitioner, there is no reason or occasion to by-pass the same.

4. The Court has proceeded to examine the record in question and find substance in the objection raised by learned ACSC, as such we are not at all inclined to entertain the writ petition. In the interest of justice, in case, any such appeal is preferred before the appellate authority within fifteen days, definitely, the same would be considered expeditiously on merits.

5. With the aforesaid direction, the writ petition stands **disposed of**.

Order Date :- 23.11.2023

Rama Kant