

Court No. - 5

Case :- WRIT - C No. - 40733 of 2023

Petitioner :- Jagdev

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Satendra Kumar Sharma

Counsel for Respondent :- C.S.C., Sher Bahadur Singh

Hon'ble Piyush Agrawal, J.

Heard Ms. Reenika Gupta holding brief of Satendra Kumar Sharma, learned counsel for the petitioner and learned Standing Counsel for State.

The present writ petition has been filed for the following relief:

"(i) Issue a writ order or direction in the nature of mandamus and kindly direct the respondent no. 4, i.e. Sub Divisional Magistrate, Bisalpur, Distt. Pilibhit to decide the representation dated 23.1.2023 of the petitioner in the interest of justice.

(ii) Issue a writ, order or direction in nature of mandamus and kindly direct the respondent no. 4, i.e. Sub Divisional Magistrate, Bisalpur Distt. Pilibhit to comply with the order dated 5.1.2023 passed by Deputy Commissioner (Food), Bareilly Division, Bareilly in Appeal No. 15 of 2016 (Jagdev Vs. State of UP and others)."

It has been stated by the learned counsel for the petitioner that petitioner was running a fair price shop which has been cancelled against which an appeal has been preferred which was allowed by order dated 5.1.2023 and matter was remanded . He submits that now in spite of remand order has been passed in favour of the petitioner, the respondent authority are not proceeding with the matter.

He prays that a mandamus be issued to the respondent authority to decide the representation dated 23.1.2023 within stipulated time.

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 direction to respondent no. 4 to decide the representation dated 23.1.2023 in pursuance of remand order dated 5.1.2023, expeditiously, preferably within a period of **two** months from the date of producing a certified copy of this order before the concerned authority, after hearing the parties concerned, in accordance with law provided there is no other legal impediment.

Order Date :- 28.11.2023

Rahul Dwivedi/-