

Chief Justice's Court

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 438 of 2023

Petitioner :- Dhanalal Mishra

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies,
Civil Sectr. U.P. Lko. And Others

Counsel for Petitioner :- Deo Prakash Srivastava

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Pritinker Diwaker, Chief Justice

Hon'ble Rajan Roy, J.

Sri D.P. Srivastava, learned counsel for the petitioner and Sri Rajesh Tiwari, learned Standing Counsel for the State-respondents.

The main grievance of the petitioner is that a fair price shop of Gram Panchayat Baseriya, Block and Tehsil Colonelganj, District Gonda has been allotted to opposite party no.7 ignoring the direction issued by the State Government.

Main ground which has been raised by the petitioner is that the mother of opposite party no.7 is a Village Pradhan and on account of her influence, the said shop has been allotted to opposite party no.7.

We have specifically asked counsel for the petitioner as to how the present petition would fall within the ambit of public interest litigation, he failed to satisfy this Court but for the ground that his earlier writ petition was withdrawn with liberty to file a public interest litigation petition.

From the pleadings and the documents, there appears to be a dispute over allotment of fair price shop between the petitioner and opposite party no.7 and under no stretch of imagination, this petition can be termed as PIL. We have given sufficient opportunity to the petitioner to withdraw the writ petition and to file appropriate petition but learned counsel for the petitioner insisted for hearing of this petition.

State counsel also submits that the present petition does not fall within the ambit of PIL as the dispute appears to be a personal dispute between the petitioner and opposite party no.7 and the petition cannot be treated as PIL.

From the pleadings made in the petition, it is quite apparent that present is a case of allotment of fair price shop between the petitioner and opposite party no.7 and under no stretch of

imagination, this petition can be treated as PIL.

The petition is, accordingly, **dismissed** at the admission stage itself.

Order Date :- 19.5.2023

RK

(Rajan Roy, J) (Pritinker Diwaker, CJ)