

Court No. - 17

Case :- WRIT - C No. - 5813 of 2023

Petitioner :- Anshu Devi

Respondent :- State Of U.P. Thru. Secy. Food Govt. Civil Sectt. Lko And 5 Others

Counsel for Petitioner :- Irfan Alam

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

Hon'ble Alok Mathur, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents.

2. Present petition has been filed with the following prayer:-

"(i) To issue a writ order or direction in the nature of CERTIORARI thereby quashing the impugned proposal dated 29.01.2023 passed by the opp. party No.4 .

(ii) To issue a writ or direction in the nature of MANDAMUS be issued commanding the opposite party No.2 to 4 to convene the fresh open meeting for the selection of fair price shop holder and pass fresh proposal for the appointment of licensee of the village Panchayat Gangapur Banki, Vikas khand, Pargana and Tahsil and District Balrampur."

3. Petitioner has challenged the proposal approved by the Gram Panchayat for allotment of fair price shop on 29.01.2023 and the same proposal has been sent before the tehsil level committee where, according to the petitioner, it is pending till date.

4. Learned counsel for the petitioner assailed the proposal on the ground that the proposal was passed without there being a quorum of the Gram Panchayat and the publication of notice of fifteen days was also not there.

5. The proposal passed by the gram sabha is not liable to be challenged under article 226 as petitioner has a remedy for challenging the allotment once the same is made in favour of the person whose name has been proposed. Liberty is given to the petitioner to make an appropriate application before the tehsil level committee and in case the same is pending with the tehsil level committee the same shall be considered.

6. Subject to the aforesaid observations, the petition stands **dismissed**.

(Alok Mathur, J.)

Order Date :- 18.11.2023/Vipul