

Court No. - 17

Case :- WRIT - C No. - 6677 of 2023

Petitioner :- Ram Autar

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies, Lko. And 2 Others

Counsel for Petitioner :- Suresh Chand Rathour

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Mr S.C. Rathore learned counsel for the petitioner, learned Standing Counsel on behalf of the respondents.

2. Present petition is filed with following prayers:-

"(i) Issue writ, order or direction in the nature of certiorari thereby quashing the part of order dated 25.07.2023 passed by the opposite party no.2 in appeal no. 1884/2023, Ram Autar Vs. State of U.F. computerised case No. C-2023100000001884, under section 13(2) of the Essential Commodities (Regulation of Sale and distribution Control) order 2016 so far as it relates only rejecting the interim relief application.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the opposite parties not to implement the order dated 22.6.2023 passed by the opposite party no.3.

(iii) Issue a writ, order or direction in the nature of mandamus commanding the opp.party no. 3 to permit the petitioner to run the fair price shop of village Panchayat Lodha 1, Block Aures, Teh, Hasanganj Distt. Unnao, during pendency of the appeal."

3. Petitioner has approached this Court challenging the order dated 25.7.2023, whereby the Joint Commissioner (food) Lucknow mandal, Lucknow has rejected application for interim relief alongwith his appeal which was preferred against the order of cancellation of his fair price shop license by the order of the District Magistrate dated 22.6.2003. Commissioner has rejected the application for interim relief after taking into account the fact that there was a serious allegation of misappropriation of funds and also there was a serious allegation with regard to the running of the fair price shop and the allegations were found correct in the inquiry. After arguing the matter counsel for the petitioner submits that grievance of the petitioner shall be substantially redressed in case the appellate authority is directed to consider and decide the appeal of the

petitioner, being appeal no. 1884 of 2023, expeditiously.

4. Learned Standing Counsel does not object to the limited prayer of the petitioner.

5. Accordingly, without entering into the merits of the case, this petition is **disposed of** with a direction to the respondent no.2, Joint Commissioner (food) Lucknow madal, Lucknow to decide the appeal of the petitioner, being appeal no. 1884 of 2023, within three months from the date of production of certified copy of this order before him.

(Alok Mathur,J.)

Order Date :- 18.11.2023

Vipul