

Court No. - 8

Case :- WRIT - C No. - 8987 of 2023

Petitioner :- Shankar Swaym Sahayata Samuh Thru. Its Treasurer/
Operator, Neesha Devi

Respondent :- State Of U.P. Thru. Prin. Secy. Khadya Evam Rasad
Aapurti Vibhag, Lko. And 5 Others

Counsel for Petitioner :- Roopani Mishra, Manoj Kumar Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia, J.

1. Present petition has been filed challenging the order dated 27.09.2023 whereby allotment of the shop in favour of the petitioner was cancelled.

2. The facts as emerged are that respondent no.6 was running a fair price shop and on account of certain allegations, an order of cancellation came to be passed against respondent no.6. Respondent No.6 preferred an appeal against the said order which was allowed vide order dated 10.04.2023. However, despite the appeal being allowed, the petitioner was allotted the shop in question on 23.06.2023 vide an order contained in Annexure - 4.

3. A perusal of the order dated 23.06.2023 indicates that the allotment was subject to any orders being passed by the Court. The fact remains that once the appeal of respondent no.6 was allowed, there was no occasion to allot the shop in question to the petitioner herein. The contention of learned counsel for the petitioner that he was a necessary and proper party in appeal loses significance in view of the fact that the allotment of the shop in favour of the petitioner happened on 23.06.2023 i.e. after the date when the appeal filed by respondent no.6 was allowed.

4. Even otherwise, the petitioner has no right to continue with the allotment after the appeal filed by respondent no.6 came to be allowed.

5. No good ground for interference is made out. The writ petition is accordingly ***dismissed***.

Order Date :- 16.10.2023

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