

Court No. - 17

Case :- WRIT - C No. - 9207 of 2023

Petitioner :- Smt. Sangam Singh

Respondent :- State Of U.P. Thru. Prin .Secy. Food And Civil Supply Lko. And 3 Others

Counsel for Petitioner :- Zahir Ahmad Khan,Om Prakash Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Zahir Ahmad and Sri O.P. Srivastava, learned counsel for petitioner as well as learned Standing Counsel for respondents.
2. By means of present writ petition, the petitioner has challenged the allotment of fair price shop license in favour of one Mahesh Kumar S/o Ram Ratan as well as the order dated 26.09.2022 by which the said allotment has to be made in favour of a reserved candidate.
3. Learned Standing Counsel on the other hand has raised a preliminary objection stating that the petitioner has a n efficacious remedy of appeal before the Commissioner of that division as per Clause 13 of the said Control Order.
4. Learned counsel for petitioner does not dispute the aforesaid facts and submits that he may be permitted to withdraw this writ petition with liberty to file an appeal before the appellate authority.He further submits that appellate authority may be directed to decide the appeal expeditiously.
5. In light of the above, considering the statement made by learned counsel for petitioner, the writ petition is **dismissed as withdrawn** with a liberty to the petitioner to file an appeal against the order of allotment dated 13.01.2023 as ell as reservation order dated 26.09.2022. In case, such an appeal is filed within next two weeks, the appellate authority is directed to consider and decide the same expeditiously in accordance with law.

(Alok Mathur, J.)

Order Date :- 30.10.2023/Ravi/