

Court No. - 17

Case :- WRIT - C No. - 9350 of 2023

Petitioner :- Ram Suresh

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

Counsel for Petitioner :- Shailendra Singh Chauhan, Hanumant Lal Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

1. Heard Shri Shailendra Singh Chauhan, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. It has been submitted by learned counsel for the petitioner that the petitioner was allotted a fair price shop licence for village Panchayat- Raipur, Vikas Khand, Tehsil- Lambhua, District- Sultanpur.

3. It seems that there are some complaints against the petitioner which were duly inquired into and his fair price shop licence was suspended also by means of order dated 7.7.2022. After affording an opportunity of hearing to the petitioner, the said fair price shop licence was subsequently cancelled by means of order dated 9.1.2023.

4. The learned counsel for the petitioner has submitted that he has preferred an appeal before the appellate authority challenging the order of cancellation dated 7.7.2022. It has further been submitted that along with this appeal, he moved an application for interim relief restraining the respondents from fresh allotment of the said shop. The application for interim relief was rejected by the Deputy Commissioner (Food), Ayodhya Mandal, Ayodhya. While rejecting the same, the allegation against the petitioner has been reiterated.

5. The learned Standing Counsel on the other hand has opposed the aforesaid and stated that there were serious allegations against the petitioner which were duly proved in inquiry and various card holders have come forward to give their evidence which was brought on record. It is further stated that the petitioner was also involved in black-marketing of the goods meant for the fair price shop and in the aforesaid circumstances, the application for interim relief was rejected.

6. I have heard learned counsel for the parties and perused the record.

7. It is noticed that the appeal preferred by the petitioner is pending consideration before the Deputy Commissioner (Food), Ayodhya Mandal, Ayodhya and only application for interim relief has been rejected. It is further noticed that during the period of litigation, to secure the rights of the card holders they should not be deprived of the goods from the fair price shop, the State Government usually attaches the card holders to another fair price shop during the period of litigation and temporary allotment is resorted to. After cancellation of fair price shop licence during the pendency of litigation where such licence has been cancelled, the State can proceed to make fresh allotment in case there is no restraining order from any court of competent jurisdiction. But any such allotment made during the pendency of such litigation shall only be subject to outcome of the appeal preferred by the petitioner which is pending before the Deputy Commissioner (Food), Ayodhya Mandal, Ayodhya.

8. At this stage, the learned counsel for the petitioner submits that the grievance of the petitioner shall be sufficiently redressed, in case the appellate authority is directed to consider and decide the appeal expeditiously.

9. In light of the above, learned Standing Counsel has no objection.

10. Accordingly, the writ petition is **disposed of** with a direction to the appellate authority to consider and decide the appeal of the petitioner expeditiously in accordance with law within a period of two months from the date a certified copy of this order is produced before him. The counsel for the petitioner undertakes that the petitioner shall cooperate in the proceedings before the Deputy Commissioner (Food), Ayodhya Mandal, Ayodhya and shall not seek any unnecessary adjournments.

(Alok Mathur,J.)

Order Date :- 19.10.2023

Shravan