

Court No. - 17

Case :- CIVIL MISC REVIEW APPLICATION No. - 133 of 2023

Applicant :- Shiv Kumar Mishra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Food And Supply Lko. U.P. And 8 Others

Counsel for Applicant :- Vijay Kumar Tiwari

Hon'ble Alok Mathur,J.

1. Heard Sri Vijay Kumar Tiwari, learned counsel for applicant.
2. By means of present review application, the applicant has sought to review the order of this Court dated 10.10.2023 passed in Writ C NO. 8670 of 2023 (Shiv Kumar Mishra Vs. State of U.P. and others.)
3. By means of the said judgment and order this Court has dismissed the writ petition preferred by the petitioner who is a fair price shop licensee as there were several allegations against the petitioner which were sought to be inquired by the order impugned in the writ petition dated 22.03.2022 and this Court has dismissed the aforesaid writ petition.
4. Learned counsel for applicant has submitted that the petitioner is entitled to similar interim order which has been passed in favour of other persons who had also approached this Court assailing the order of inquiry and submits that Hon'ble the Supreme Court in the case of **Vishnu Traders Vs. State of Haryana and others, 1995 Supp (1) SCC 461** has held that there should be consistency in exercise of judicial discretion with regard to similar cause and all the similar matter should receive similar treatment.
5. He has further sought to re-agitate the entire issue and tried to persuade this Court from setting aside of the judgment dated 10.10.2023 and pass an order in favour of the applicant.
6. I have heard learned counsel for applicant and perused the record.
7. It is noticed that this Court after detail reasoning has found that preliminary inquiry could be validly conducted against the petitioner against whom there were several allegations of misconduct in running of the fair price shop. The ratio of the

judgment in the case of Vishnu Traders (Supra) is not applicable in the facts of the present case as in the present case this Court had examined the case of the applicant on merits and had dismissed the same without finding any need of passing an interim order in favour of the petitioner. In case this Court was proceeding to admit the writ petition, there would have been an occasion to consider and grant an interim order similar to that which has been passed in other writ petitions.

8. In the aforesaid circumstances, the arguments of the applicant is accordingly rejected. The entire arguments of the petitioner has been duly considered and recorded and no error apparent on the fact of record could be pointed out by the applicant necessitating admission of the review application.

9. The review application is without merits and is accordingly dismissed.

(Alok Mathur, J.)

Order Date :- 9.11.2023

Ravi/