

Court No. - 17

Case :- WRIT - C No. - 10312 of 2023

Petitioner :- Abhishek Singh

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

Counsel for Petitioner :- Sudhakar Mishra

Counsel for Respondent :- C.S.C.,Mohan Singh

Hon'ble Alok Mathur,J.

1. Heard Sri Sudhakar Mishra, learned counsel for the petitioner as well as learned Standing counsel for the the State while notice on behalf of respondent no.2 Gram Panchayat has been accepted by Sri Mohan Singh, Advocate.

2. By means of the present writ petition the petitioner has assailed the order dated 13th October, 2023 passed by Sub Divisional Magistrate, Tehsil Milkipur, District Ayodhya whereby it has been stated that two fair price shops existing at Gram Panchayat Pakarpur have been merged considering the provisions contained under the relevant government orders where it is provided that every fair price shop should have the minimum 4000 card units while in the present case the total number of card units for both the fair price shops is only 1771.

The other aspect which has been considered in the impugned order is that respondent No.4 Sri Arvind Kumar Yadav has been awarded fair price shop license for the situated at Pakarpur considering the order passed by this Court in writ petition No.8746 of 2022 where this Court had directed the respondents to consider the claim of respondent No.4 under the relevant government orders whereby there was provision to grant fair price shop license on the basis of Dying in Harness Rules it was considered that father of respondent No.4 who was the fair price shop licensee died and prayer was made in the said writ petition for awarding fair price shop license in his name. On the other hand, Sub Divisional Magistrate has also set aside the resolution of the Gram Sabha dated 13.4.2023 where name of the petitioner had been proposed for grant of fair price shop license.

3. After arguing the matter at some length learned counsel for the petitioner submits that he does not want to press the relief agaisnt the award of the license of Village Pakarpur in favour of respondent No.4 but submits that merger of two fair price shops

namely Sidhari Bazar and Pakarpur is contrary to various government orders and prays that his representation in this regard may be considered by Sub Divisional Magistrate, Tehsil Milkipur, Ayodhya.

4. Learned learned counsel for the respondents do not object to the prayer made by same.

4. Accordingly, this petition is **disposed of** with a liberty to the petitioner to move a fresh representation within a period of ten days from today with regard to merger of two fair price shop licenses at Gram Panchayat Pakarpur, Tehsil Milkipur, District Ayodhya. In case, such a representation is made within the time prescribed, opposite party No.2 is directed to consider and decide the same, expeditiously, say within a period of four weeks thereafter in accordance with law.

(Alok Mathur, J.)

Order Date :- 24.11.2023
RKM.