

Court No. - 8

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE
No. - 273 of 2023

Applicant :- Pushpa Devi

Opposite Party :- State Of U.P. Thru. Secy. Food And Civil
Supplies, Lucknow And Others

Counsel for Applicant :- Anoop Vajpayee

Hon'ble Pankaj Bhatia,J.

Order on IA No.01 of 2023

1. The present application has been filed seeking condonation of delay in filing review application.
2. The cause shown is sufficient. The application is allowed. The delay in filing the review application is condoned.

Order on review application

3. Heard learned Counsel for the applicant and Sri Satish Kumar Sharma, learned Counsel, who has accepted notice on behalf of opposite party no.4, the petitioner of the writ petition.
4. The present review application has been filed seeking review of the judgment and order dated 22.03.2022, whereby the writ petition was allowed without hearing the applicant, who claims to be a subsequent allottee on regular basis.
5. The contention of the Counsel for the applicant is that the petitioner, who had approached this Court was a fair price shop license holder; whose license was cancelled by means of an order dated 23.10.2007. The said petitioner had filed an appeal after about 11 years on 22.10.2018. The delay in filing the appeal was condoned and the appeal was heard on merit and decided vide order dated 08.02.2021. In the meanwhile, the applicant was allotted she shop in question, however, without impleading the applicant, the appellate order came to be passed and subsequently, without impleading the applicant, the writ petition is also disposed off.
6. The Counsel for the petitioner places reliance on the judgment of Hon'ble Supreme Court in the case of ***Ram Kumar vs State of U.P. and others; AIR 2022 SC 4704***, wherein the Hon'ble Supreme Court held that a subsequent regular allottee

has a right to be heard and to make submissions defending the order of cancellation, as such, he was necessary and a proper party.

7. In the present case, at the writ petition stage, the applicant herein was not impleaded, as such, his rights are adversely affected on that reason alone, the judgment and order dated 22.03.2023 passed in Writ-C No.12182 of 2021 is recalled.

8. The respondent-petitioner is directed to implead the applicant as a party respondent in the writ petition. The newly added respondent may file a reply to the petition within four weeks.

9. List after four weeks for disposal.

10. In view of above, the review application is ***allowed***.

Order Date :- 7.12.2023

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