

Court No. - 17

Case :- WRIT - C No. - 10734 of 2023

Petitioner :- Anil Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supply, Lko. And 2 Others

Counsel for Petitioner :- Pradeep Kumar Singh, Vijay Bahadur Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur, J.

Heard Shri Vijay Bahadur Yadav, learned counsel for the petitioner and learned Standing Counsel appearing on behalf of respondents.

It has been submitted by the learned counsel for the petitioner that the petitioner is an aspirant for grant of licence of fair price shop for village Panchayat Chhatauni, Block Rampur Mathura, Tehsil - Mahmoodabad, District - Sitapur.

It is stated that a meeting of the Gram Sabha was held on 13.10.2023 where the name of the petitioner was proposed and he sought the highest number of votes and, consequently, a proposal in his favour was forwarded to the Tehsil Level Committee. It is in the aforesaid facts that the present petition has been filed seeking a direction to the District Magistrate, Sitapur to allot the licence of the fair price shop in favour of the petitioner.

Learned Standing Counsel on the basis of instruction submitted that a detailed procedure for allotment of the fair price shop has been enumerated in the Government Order dated 05.8.2019. He submits that once the proposal of the Gram Sabha is received by the Tehsil Level Committee the same is duly scrutinized and after due scrutiny by the Tehsil Level Committee which is headed by the SDM, recommendations are sent to the District Magistrate who may either accept the recommendations and grant the licence in favour of the person in whose favour the proposal has been passed or pass any other suitable orders.

It has been submitted that the matter is under scrutiny before the Tehsil Level Committee and they are examining the matter in light of the Government Order dated 05.8.2019 and most specifically with regard to the provision of reservation made for the particular shop.

Considering the fact that the matter is still pending before the Tehsil Level Committee no such directions as sought by the petitioner can be issued and even otherwise the proposal was passed only in October 2023 and there has not been any unreasonable delay in taking decision necessitating interference under Article 227 of the Constitution of India.

In light of the above, it is expected that the Tehsil Level Committee shall expeditiously consider the proposal and forward its recommendation to the District Magistrate in accordance with law.

No interference is required at this stage, accordingly, subject to the aforesaid directions the petition is dismissed.

Order Date :- 14.12.2023

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(Alok Mathur, J.)