

Court No. - 17

Case :- WRIT - C No. - 10816 of 2023

Petitioner :- Shri Ram

Respondent :- State Of U.P. Thru. Secy. Food And Supply,
Lucknow And Others

Counsel for Petitioner :- Sudhakar Mishra

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Alok Mathur, J.

1. Heard Sri Sudhakar Mishra, learned counsel for petitioner as well as learned Standing Counsel for respondent Nos. 1 & 2 and Sri Dilip Kumar Pandey, learned counsel for respondent No. 3.

2. It has been submitted by learned counsel for petitioner that petitioner is running a fair price shop for gram sabha Lohara Mau which is presently running through gram sabha Chanda Khera. It is stated that there is a demand by the gram sabha that there should be another fair price shop. The said demand has also been made by gram pradhan.

3. He further submits that the number of card holders do not exceed 4000/- and consequently a second fair price shop cannot be opened for the said gram sabha.

4. When a question has been put as to whether any decision has been taken with regard to opening of second fair price shop, learned counsel for petitioner fairly submitted that till date no such order has been passed. While in the present case, a prayer has been sought for a direction to respondent NO. 2 to consider the government order of essential Commodities Act to fulfill the criteria minimum until i.e. 4000 for a fair price shop of the gram sabha.

5. In the aforesaid facts, this Court is of the considered view that until and unless an order is passed, no writ petition is entertainable merely on the apprehension of the existing licence. It shall always open for the petitioner to assail the order passed by the competent authority creating a fair price shop and raise his grievance at the appropriate occasion.

6. At present the only fair price shop is being run in the said gram sabha by the petitioner. Accordingly, this Court is of the considered view that present writ petition is premature and the same is dismissed with the liberty to the petitioner to raise his

grievances before the appropriate forum as and when appropriate order is passed with regard to opening of new fair price shop.

(Alok Mathur, J.)

Order Date :- 13.12.2023

Ravi/