

Court No. - 18

Case :- WRIT - C No. - 11058 of 2023

Petitioner :- Smt. Urmila

Respondent :- State Of U.P. Thru. Prin. Secy. Food And Civil Supplies Lko. And 4 Others

Counsel for Petitioner :- Anil Kumar

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

Hon'ble Shree Prakash Singh, J.

1. Heard Shri Anil Kumar, learned counsel for petitioner, Shri Dilip Kumar Pandey, learned counsel for Gaon Sabha/ Village Panchayat and learned Additional Chief Standing Counsel for the State.

2. The instant petitioner has been filed with the following reliefs:

"i.) A writ order or direction in the nature of CERTIORARI thereby quashing the impugned order dated 05.10.2021 passed by the opp. Party No.2 as well as order dated 19.01.2021 passed by the opp. Party No. 3 contained as Bath Commissioner ANNEXURE NO.1 & 2 to this writ petition.

ii.) A writ, order or direction in the nature of MANDAMUS be issued commanding the opposite party No.3 to cancel the illegal appointment of the opp. Party No.5, and appropriate direction be issued to the opp. Party No.4 to convene the fresh open meeting for the selection of fair price shop holder of village Panchayat Karim Nagar, Saidapur, Tehsil Sadar, District Hardoi."

3. Counsel appearing for the petitioner submits that the petitioner is member of Tarang Swayam Sahayata Samooh and is resident of the village but the State authorities without following the procedure, as neither any meeting was held nor any further proceeding was done as per law, allotted the fair price shop in favour of the opposite party no.5. He added that the order dated 05.10.2021 and 19.01.2021 may be quashed.

4. On the other hand, the counsel appearing for the Gaon Sabha

as well as the counsel for the State has vehemently opposed the contentions aforesaid and submitted that the fair price shop was allotted in year, 2021 and petitioner is challenging the same after passing of two years. They also added that in fact the every proceeding has been done as per law and it seems that the petitioner is being inimical, is challenging the order passed in year, 2021, though the fair price shop is smoothly running in the village, but it is not understandable that the petitioner had no knowledge regarding the fair price shop being run by the opposite party no.5.

5. Considering the aforesaid submissions and discussions, it prima facie borne out that the order of allotment was issued on 05.10.2021 and this is being challenged after 2 years and the delay and laches has not properly been explained. Further the petitioner never appeared in any proceeding of the allotment of fair price shop of the village and it seems that only for making controversy he is challenging the same at a belated stage.

6. Resultantly, the instant petition lacks of merit, hence **dismissed**.

7. Consigned to record.

8. No order as to cost.

Order Date :- 18.12.2023
Mohd. Sharif