

Court No. - 4

Case :- WRIT - C No. - 5585 of 2024

Petitioner :- Goldee

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

Counsel for Petitioner :- Awadhesh Kumar Singh

Counsel for Respondent :- C.S.C., Pankaj Gupta

Hon'ble Subhash Chandra Sharma,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no. 1 to 4 and Shri Pankaj Gupta, learned counsel respondent no.5 and perused the material on record.

2. The present petition has been filed with following prayers :-

(i) Issue contained mandamus thereby commanding the opposite parties to consider the candidature of the petitioner for the appoint under dying in harness Rules as licensee of fair price shop of village Panchayat Bhadaurhi, Vikas Khand Jarwal, Tahsil Kaiserganj, District Bahraich in place of her grand father namely late Ramapati Mishra in the interest of justice.

(ii) Any other order or direction in which this Hon'ble Court may deem fit under the facts and circumstances of the case may also be passed in favour of the petitioner.

3. It is submitted by learned counsel for the petitioner that the fair price shop was in the name of her grand-father, who died. The petitioner applied for license of fair price shop on the place of her grand-father on the basis of dying in harness and in this regard he moved a representation before Sub-Divisional Magistrate on 11.06.2024 which is still pending. Therefore, request to direct the authority to consider a representation and to continue her as licensee on the place of her grand-father.

4. Learned Standing Counsel for the respondents no. 1 to 4 and Shri Pankaj Gupta, learned counsel respondent no.5 contended that she cannot be entitled for fair price shop under dying in harness rules but have no objection regarding disposal of the representation moved by the petitioner before the Sub-Divisional Officer.

5. Considering the facts and circumstances of the case, submissions made by learned counsel for both the parties as well as perusal of the record and the representation made by the petitioner, it is expedient to direct the respondent no.3 i.e. Sub Divisional Officer to decide the representation made by the petitioner within a period of four weeks from the date of production of certified copy of this order in accordance with law.

6. Accordingly, this petition is **disposed of** finally with the above direction.

Order Date :- 25.6.2024 / KR