Court No. - 71

Case :- WRIT - C No. - 15768 of 2020
Petitioner :- Ram Swaroop
Respondent :- State Of U.P. And 4 Others
Counsel for Petitioner :- Awadhesh Kumar Malviya
Counsel for Respondent :- C.S.C.,Kaushal Kishore Mani

Hon'ble Mahesh Chandra Tripathi,J.

Heard Shri A.K. Malviya, learned counsel for the petitioner; Shri Sanjay Kumar Singh, learned Additional Chief Standing Counsel for the State respondents and Shri Kaushal Kishore Mani, learned counsel for the Gaon Sabha.

Present writ petition is preferred assailing the validity of the impugned order dated 08.8.2020 passed by the third respondent, whereby fair price shop licence of the petitioner has been placed under suspension.

Shri A.K. Malviya, learned counsel for the petitioner, on the basis of instruction, states that meanwhile, the license of the petitioner has also been cancelled.

Learned Additional Chief Standing Counsel and learned counsel for the Gaon Sabha have raised preliminary objection regarding maintainability of the present writ petition on the ground that against the impugned order the petitioner has got efficacious alternative remedy to file an appeal before the Commissioner of the Division and as such, the writ petition is liable to be dismissed on the ground of alternative remedy.

Once against the impugned order efficacious alternative remedy is available to the petitioner, then there is no reason or occasion to bypass the statutory forum.

In view of above, the writ petition is disposed of with observation that in case the petitioner prefers an appeal alongwith the stay application within two weeks from today, the Appellate Authority would proceed to dispose of the stay application in further six weeks and the appeal may be decided expeditiously.

The party shall file computer generated copy of such order downloaded from the official website of High Court Allahabad, self attested by the applicants alongwith a self attested identity proof of the said person (preferably Aadhar Card) mentioning the mobile number to which the said Aadhar Card is linked.

The concerned Court/Authority/Official shall verify the authenticity of such computerized copy of the order from the

official website of High Court Allahabad and shall make a declaration of such verification in writing.

Order Date :- 25.11.2020
RKP