Court No. - 2

Case :- WRIT - C No. - 8252 of 2024

Petitioner :- M/S Mohan Enterprises, Vill. Meeranagar, Sitapur Thru. Proprietor / Authorized Signatory, Sohanlal
Respondent :- State Of U.P. Thru. Agriculture Production, Commissioner, Lucknow And Others
Counsel for Petitioner :- Ripu Daman Shahi,Arun Pratap Singh,Ravindra Singh
Counsel for Respondent :- C.S.C.,Aditya Mohan,Naresh Chandra Mehrotra

Hon'ble Rajan Roy,J.
Hon'ble Brij Raj Singh,J.

Heard.

On 24.09.2024, we had passed the following order:-

"Heard learned counsel for the petitioner, learned Standing Counsel appearing on behalf of the State Respondents and Sri Aditya Mohan, Advocate, who has filed power on behalf of the respondent nos.3 and 4.

This petition has been filed with the following main prayer:-

"Issue a writ, order or direction in the nature of certiorari thereby quashing the impugned order dated 29.06.2024 passed by the opposite party no.4, whereby he rejected to renew the license of the petitioner being the license no.L/2017/148/75350329, which stood expired on 30.06.2024, contained as Annexure No.1 to this petition, in the interest of justice.

Issue a writ, order or direction in the nature of Mandamus commanding and direction the opposite parties to renew the license of the petitioner and provide exemption of Mandi fee and Development Cess, in the interest of justice."

It has been submitted by learned counsel for the petitioner that the respondent nos.3 and 4 have issued a notice to the petitioner on 29.06.2024 for depositing the Mandi fee and Development Cess within seven days. The petitioner has submitted his reply on 16.07.2024 saying that they are not liable to pay Mandi fee and Development Cess, as they are exempted as per paragraph-11 (vii) of the Government Order dated 02.02.2023.

Learned Counsel appearing on behalf of the Mandi Parishad, however on the basis of instructions, says that the Act has been amended and the Government Order dated 02.02.2023 is not available to the petitioner. However, he has no instructions as to whether any order has been passed by the Appropriate Authority after receiving the reply of the petitioner, a copy of which has been filed as annexure-4 to the writ petition.

*List this case on **18.10.2024 as fresh**, by which date a short counter affidavit be filed by the respondent no.3 as well."*

Short counter affidavit has been filed but no rejoinder affidavit has been filed.

The petitioner seeks permission to withdraw this writ petition with liberty to file afresh.

We fail to understand as to why liberty is being sought without responding to the stand of the opposite parties which has already been called by the Court.

At this stage, the Counsel for the petitioner says that the petition be simply dismissed as withdrawn.

We accordingly, **dismiss the petition as withdrawn** without any liberty to file afresh.

Order Date :- 14.11.2024
Lokesh Kumar

[Brij Raj Singh, J.] **[Rajan Roy, J.]**

Digitally signed by :-
LOKESH KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench