

Shabina Bano vs State Of U.P. And 4 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68669

Court No. - 33

Case :- WRIT - C No. - 13429 of 2025

Petitioner :- Shabina Bano

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gaurav Khare,Rashtrapati Khare,Rehan Sayeed

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Rashtrapati Khare, learned counsel for the petitioner and the learned Standing Counsel for the State-respondents.

2. The petitioner was allotted a fair price shop, however, pursuant to certain proceedings, the same was cancelled in the year 2011. An appeal/ revision was filed against the cancellation order, which was also dismissed on 05.05.2012. This Court in Writ-C No. 31257 of 2012 passed an interim order restraining creating of third party rights till the next date of listing but did not preclude the respondents to attach the petitioner's shop to another nearby shop for smooth distribution of schedule commodities.

3. It is alleged that the interim order granted by this Court continued to remain operative until the writ petition was dismissed for want of prosecution on 27.11.2024 and, thereafter, despite the fact that an application seeking recall of the order of dismissal is pending before this Court, the respondents have proceeded to hold a meeting of Gaon Sabha under the order dated 29.03.2025. It is this order which has been challenged by means of this writ petition.

4. Learned counsel submits that so long as the restoration application is pending, the respondents are not justified in proceeding with process of fresh allotment of fair price shop and, therefore, this Court should intervene.

5. Learned Standing Counsel submits that once the writ petition has been dismissed for any reason whatsoever, no second writ petition lies against the consequences ensuing from dismissal and, therefore, the petitioner has no case.

6. Considering the submissions made, this Court is of the considered view that no writ of certiorari can be issued quashing an order passed by the respondents in furtherance of order dismissing the earlier writ petition. Merely because a restoration application is pending, the respondents were not under obligation to continue with the running of the shop by the petitioner, inasmuch as the effect of dismissal order is that the order cancelling fair price shop of the petitioner, passed in the year 2011, stood revived. Therefore, having found no fault in the action of the respondents, while giving liberty to the petitioner to press for her restoration application, this Court is not inclined to interfere with the order impugned or to pass any further order.

7. The writ petition is dismissed with the aforesaid observations.

Order Date :- 1.5.2025 AKShukla/-