



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 30438 of 2025

Veerendra Singh

.....Petitioner(s)

Versus

The State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deepak Kumar Upadhyay, Upendra Upadhyay
Counsel for Respondent(s)	:	Avinash Chandra Srivastava, C.S.C., Rajesh Kumar Yadav

Court No. - 33

HON'BLE PRAKASH PADIA, J.

1. Supplementary affidavit filed today in the Court, the same is taken on record.

2. Heard Sri Deepak Kumar Upadhyay, learned counsel along with Sri Upendra Upadhyay, learned counsel for the petitioner, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Harikant, learned Standing Counsel for respondent Nos.1 to 3, Sri Avinash Chandra Srivastava, learned counsel for respondent No.4 and Sri Rajesh Kumar Yadav, learned counsel for respondent No.5.

3. After the fair price shop license of the respondent No.5/Yogendra Pal was cancelled by the respondent No.3/Sub Divisional Officer, Chhata District Mathura, he preferred appeal being Appeal No.1592 of 2022 before the respondent No.2/Additional Commissioner (Administration)/Deputy Commissioner (Food), Agra Division Agra. The said appeal was allowed by the respondent No.2 vide order dated 12.08.2025.

4. It is argued by learned counsel for the petitioner that before passing the order impugned, the opportunity of hearing was not provided to the petitioner. It is further argued that though the petitioner is a necessary party before the respondent No.2 but he

was not arrayed as one of the respondent in the aforesaid appeal.

5. This fact is also admitted by learned counsel for the respondent No.5.

6. Sri Sanjeev Singh, learned Additional Advocate General also placed reliance upon a judgement of this Court passed in the case of Yogendra Prasad Vs. State of U.P. : 2023 (1) AWC 808 in which this Court has also held that subsequent allottee has a right to make submissions defending the order of cancellation.

7. Heard learned counsel for the parties and perused the record.

8. From perusal of the record, it is clear that the petitioner is a subsequent allottee and before passing the order impugned by the Appellate Authority, no opportunity of hearing was provided to the petitioner. The identical controversy, very recently, came up before the Division Bench of this Court in Special Appeal Defective No.619 of 2025 (Hiramani Yadav Vs. State of U.P. and others) dated 27.08.2025 held that as per the law laid down by Hon'ble Supreme Court in the case of Ram Kumar Vs. State of U.P. and others : (2023) 16 SCC 691, the subsequent allottee has a right to be heard and make submissions. The relevant paragraphs of the Ram Kumar (supra) judgement reads as follows:-

"20. It could thus be seen that this Court had held that, even if a subsequent allottee does not have an independent right, he/she still has a right to be heard and to make submissions defending the order of cancellation.

21. It is further to be noticed that in the said case i.e. Pawan Chaubey Vs. State of U.P., (2023) 16 SCC 698, the order of appointment of the appellant therein was subject to the outcome of the proceedings pending in court. The case at hand stands on a much better footing. The appellant herein had been selected by the Tehsil Level Selection Committee in its meeting dated 19-8-2018 and thereafter, he was appointed as Fair Price Dealer vide order of the competent authority dated 15-5-2018, on a regular basis.

22. In this background, we find that the appellant was a necessary party to the proceedings before the High Court. The present appeal deserves to be allowed on this short ground. However, there is another more serious ground on which the present appeal deserves to be allowed."

9. Same view was also taken by this Court in the case Yogendra Prasad (supra).

10. In the facts and circumstances of the case and without interfering with the order 12.08.2025 passed by the respondent No.2/Additional Commissioner (Administration)/Deputy Commissioner (Food), Agra Division Agra, the present petition is disposed of permitting the petitioner to file impadment application along objections before the appellate authority within a period of three weeks from today. In case, the petitioner does so, the Appellate Authority will pass appropriate orders in the matter most expeditiously and preferably within a period of six weeks thereafter but after providing opportunity of hearing to all the parties concerned.

11. The order dated 12.08.2025 passed by the respondent No.2 will subject matter of final outcome of fresh decision taken by him.

(Prakash Padia,J.)

September 11, 2025

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