

**Court No. - 5**

**Case :-** WRIT - C No. - 1188 of 2023

**Petitioner :-** Dileep Kumar Dube

**Respondent :-** Addl. Commissioner , Administration 2nd Devipatan  
Division,Gonda And 2 Others

**Counsel for Petitioner :-** Satendra Nath Rai,Jai Prakash Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Abdul Moin,J.**

1. Heard.

2. This petition is again a glaring example of no assistance being rendered by learned Standing Counsel.

3. This Court has been constrained to record the fact of no assistance being given by learned Standing Counsel in another case while passing an order today i.e. on 08.01.2024 in Writ C No. 84 of 2024 in re: Mangala vs State of U.P. and others.

4. In this case too, the writ petition having been filed on 10.02.2023 and having been taken up on 14.02.2023 since then learned Standing Counsel has not even had the legal enlightenment to inform the Court that keeping in view the law laid down by Hon'ble Apex Court in **Civil Appeal No. 4258 of 2022 in re: Ram Kumar vs State of U.P. and others dated 28.09.2022**, a subsequent allottee has to be impleaded as a party.

5. The instant writ petition has been filed challenging the cancellation of fair price shop license dated 03.06.2022 as upheld with dismissal of appeal vide order dated 03.01.2023.

6. Despite lapse of almost a year learned Standing Counsel has failed to inform the Court or to give legal assistance on the point that in view of the judgement of Hon'ble Apex Court in the case of **Ram Kumar (supra)** that subsequent allottee has to be impleaded as a party.

7. Considering the order already passed by this Court in the

case of **Mangala (supra)**, this Court again requires that a copy of this order be placed before Principal Secretary (Law), Uttar Pradesh as well as learned Advocate General, Uttar Pradesh within three days

**8.** For the sake of convenience, the relevant observations as made by this Court in the case of **Mangala (supra)** are reproduced below:

*"12. At this stage, the Court may also observe that no assistance has been rendered by Sri Mukesh Mohan, learned Standing counsel inasmuch as it is only the legal argument that has been raised by the learned counsel for the petitioner to which Sri Mukesh Mohan, learned Standing counsel initially sought time to seek instructions on the legal point or for having the case passed over. The writ petition itself was filed on Friday i.e 05.01.2024 and once only a legal point has been raised consequently, it was for the learned Standing counsel to have studied the matter and to have addressed the Court on the legal point as has been urged by the learned counsel for the petitioner.*

*13. This Court has repeatedly been observing that despite various opportunities having been given to the learned Standing counsel to address the Court on the legal points the learned Standing counsels have miserably failed to assist the Court on the legal points as are urged. This aspect of the matter cannot be ignored by this Court more particularly when repeatedly time has been granted to the learned Standing counsel to pull up their socks and address the Court on the legal point as are repeatedly being urged by the counsel who appear on behalf of the petitioner. This Court is constrained and pained to observe that no assistance is rendered by the learned Standing counsels.*

*14. The Court is compelled to pass this order inasmuch as the entire previous week i.e from 02.01.2024 to 05.01.2024, the learned Standing counsels were warned that in case things are not set right at their end and assistance is not provided by them then the Court may be compelled to pass orders against them. However, it appears that the warning as issued by this Court, as usual have fallen on deaf ears.*

*14. Considering the aforesaid, let a copy of this order be placed by the office before the Principal Secretary (Law & Remembrancer) and the learned Advocate General within three days, and the views of the Principal Secretary (Law & Remembrancer) and the learned Advocate General as to how*

*this issue of non assistance by the learned Standing counsel is sought to be addressed would be submitted before this Court within two weeks from today by way of filing of a personal affidavit by the Principal Secretary (Law & Remembrancer) containing the views of learned Advocate General also and to be placed before this Court by the next fixed for the said purpose alone which is 24.01.2024 failing which the Court may be compelled to summon the learned Advocate General and the Principal Secretary (Law & Remembrancer).*

*15. Let a copy of this order be provided to the learned counsel appearing on behalf of the contesting parties on payment of usual charges today itself "*

**9.** The Principal Secretary (Law) shall file his personal affidavit indicating as to how such Standing Counsels have been appointed which do not even have the legal acumen or knowledge of relevant case laws having a bearing on the cases being taken up and of informing the Court about judgements which have been passed from time to time by Hon'ble Apex Court and which have got a direct bearing in the matters which are being listed before this Court and as to how the piquant situation is to be addressed.

**10.** Let a personal affidavit be filed in this regard by the Principal Secretary (Law) within two weeks indicating all the aforesaid facts failing which the Court may summon the Principal Secretary ( Law) before this Court.

**11.** List this case on 24.01.2024.

**Order Date :- 8.1.2024**

J.K. Dinkar