

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.56 OF 2010
[Arising out of SLP(C) No.8735 of 2008]

LOKENDRA SINGH ... Appellant(s)

Versus

SUB-DIVISIONAL MAGISTRATE & ORS. ... Respondent(s)

ORDER

1. Leave granted.

2. This appeal is directed against the judgment and interim order dated 30th November, 2007, passed by the Allahabad High Court in Writ Petition(C) No.57624 of 2007, whereby the Division Bench granted leave to the contesting respondent, namely, the appellant herein, to approach the Chief Justice or the Senior Judge for having the matter assigned for final disposal either before the learned Single Judge or before the Division Bench.

3. During the course of the hearing, it transpired that the licence given to the appellant herein to run a fair price shop was
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cancelled. Subsequently, however, on an application filed by him before the Deputy Commissioner, (Food), Meerut, the said order was set aside and the licence was restored. Thereafter, the appellant's licence was once again terminated on 12/09/2007, against which the appellant moved an application before the said Deputy Commissioner seeking information under the Right to Information Act. Subsequently, the Division Bench of the High Court on the writ petition filed by Smt. Manju Devi, the respondent No.5 herein, passed the impugned order. Earlier, on 5th October, 2007, the learned Single Judge had on the writ petition filed by the appellant herein directed the matter to be listed for hearing, and, in the meantime, the stay order dated 12th September, 2007, on the

basis whereof the appellant's licence had been restored, was stayed

4. Aggrieved by the stay order of the Division Bench, the appellant has filed the present appeal.

5. Having heard learned counsel for the respective parties, we are of the view that the relief, if any, of the appellant would be in having the matter finally disposed of. We are informed that the two writ petitions filed by the appellant as well as respondent No.5, are pending before two different Benches of the Allahabad High Court. Since the two writ petitions arise out of the same set of

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facts and the parties are common, it is desirable that the same be heard by the same Bench in order to avoid a conflict of decisions.

6. We, accordingly, dispose of the appeal by requesting the Hon'ble Chief Justice of the Allahabad High Court to assign the two writ petitions, being W.P.No.48666/2007, filed by the appellant and W.P. No.57624 of 2007, filed by the respondent No.5, to the same Bench. We further request the Bench to hear out the two matters and to dispose of the same within a period of one month from the date on which the the same are assigned to the said Bench.

7. We make it clear that we have not gone into the merits of the matters and the High Court will be free to decide the matters according to their merits.

.....J.
(ALTAMAS KABIR)

.....J.
(SWATANTER KUMAR)

New Delhi,
January 07, 2010.

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ITEM NO.36

COURT NO.4

SECTION XI

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8735/2008
(From the judgement and order dated 30/11/2007 in WPC No.57624/2007
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

LOKENDRA SINGH

Petitioner(s)

VERSUS

SUB-DIVISIONAL MAGISTRARTE & ORS.

Respondent(s)

(with appln.(s) for seeking permission to file translated copy of annexures P2 and with prayer for interim relief and office report)

Date: 07/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Devesh Singh, Adv.
Mr. Gyanendra Singh, Adv.
Mr. Vishwa Pal Singh, Adv.

For Respondent(s) Mr. Ashwani Kumar Dubey, Adv.
Mr. M.Z. Chaudhary, Adv.
Mr. Mehtab Ahmed, Adv.

R5 Mr. Santosh Kumar Tripathi, Adv.

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R1-3 Mr. Vijay Pratalp Singh, Adv.
Mr. Anil Kumar Jha, Adv.
Mr. Neeraj Shekhar, Adv.
Mr. Rajesh Kumar, Adv.

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St.of U.P. Mr. Ratnakar Dash, Sr. Adv.
Mr. R.K. Gupta, Adv.
Mr. Rajiv Kumar Dubey, Adv.
Mr. Kamlendra Mishra, Adv.

UPON hearing counsel the Court made the following

ORDER

Leave granted.

The appeal is disposed of in terms of the signed order.

(Sheetal Dhingra)

Court Master

[Signed order is placed on the file]

(Juginder Kaur)

Court Master