
(2011) 06 RAJ CK 0014
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3480 of 2011

Gurpreet Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 29-06-2011

Acts Referred:

Essential Commodities Act, 1955 — Section 3, 7

Citation : (2011) 06 RAJ CK 0014

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—The Petitioner, a resident of village Srinagar, District Hanumangarh, who has been dis-satisfied with the dealings of the Respondent No. 4 as the fair price shop dealer in the village and who made several complaints on whose basis the authorisation granted to the Respondent No. 4 was ordered to be cancelled by the District Supply Officer, Hanumangarh ("the DSO") on 22.12.2010, seeks to question by way of this writ petition the order dated 23.03.2011 (Annex.13) whereby the Collector, Hanumangarh has remanded the matter for decision afresh to the DSO and the order dated 06.04.2011 (Annex.14) whereby the DSO has restored the authorisation of the Respondent No. 4.

2. From the averments taken in the petition and the documents placed on record, it appears that after making the applications under the Right to Information Act regarding the dealings of the fair price shop in question, the Petitioner made several complaints about the Respondent No. 4 being not fair in distribution of the essential commodities and having withheld the relevant distribution registers so as to avoid enquiry into his alleged misdeeds. Upon the complaints made by the Petitioner and so also by the Sarpanch, Gram Panchayat Srinagar, the DSO got the matter enquired from the Enforcement Officer and after receiving the enquiry report, proceeded to suspend the authorisation

granted to the Respondent No. 4 by the order dated 23.07.2010 (Annex.10); and then, by the order dated 22.12.2010 (Annex.11), proceeded to order cancellation of such authorisation with forfeiture of security amount and with further directions for lodging of FIR against the Respondent No. 4 for the offences u/s 3/7 of the Essential Commodities Act, 1955.

3. The dealer, Respondent No. 4, preferred an appeal (No. 1/2011) against the aforesaid order dated 22.12.2010 that has been considered and partly allowed by the Collector, Hanumangarh by the impugned order dated 23.03.2011; and, having regard to the submissions made on behalf of the dealer that the registers were indeed presented but were not verified by the office; that at the time of enquiry, the stock-register was found correct; and that the report in relation to the lost record was indeed made on 13.08.2010, the learned Collector has found it just and proper to remand the matter to the DSO for decision afresh after extending opportunity of evidence and hearing to the dealer. After the order so passed by the Collector, the DSO has restored the authorisation of the Respondent No. 4 by his order dated 06.04.2011 (Annex.14).

4. Seeking to challenge the orders aforesaid, it is submitted on behalf of the Petitioner that the Collector has proceeded in a cursory and rather arbitrary manner and has ignored the apparent discrepancies for which the DSO rightly cancelled the authorisation of the Respondent No. 4. It is submitted that there had not been any satisfactory reason given by the Respondent No. 4 for non-verification of the registers; and the story about loss of record was an afterthought and was cooked-up only after the Petitioner sought the requisite information. It is also submitted that impugned order dated 23.03.2011 deserves to be quashed as no opportunity of hearing was given to the Petitioner. According to the Petitioner, such an opportunity to him was entirely necessary as the proceedings were initiated upon the steps taken by him to elicit the information and upon the complaints filed by him. It is submitted that the Petitioner was a necessary party but was intentionally kept out of the proceedings before the Collector. It is further submitted that even if the Collector had, for any reason, remanded the matter for decision afresh, the DSO could not have restored the authorisation of the Respondent No. 4 and, therefore, the order dated 06.04.2011 remains totally misconceived and deserves to be quashed.

5. Having given a thoughtful consideration to the submissions made and having perused the material placed on record, this Court is unable to find any reason to entertain this writ petition.

6. Admittedly, the Petitioner has been a complainant in the matter who alleged that there had been various irregularities in the dealings of the Respondent No. 4. The Petitioner, merely for being a complainant, does not acquire the status of a necessary or proper party so as to be impleaded and heard at every stage of the proceedings in this matter. The authorities have indeed acted on the complaints made and the matter appears to be pending. However, so far the grant of authorisation under the Rajasthan Food grains and Other Essential

Articles (Regulation of Distribution) Order, 1976 is concerned, it is essentially and exclusively a matter for consideration of the Government; and whether to continue with the authorisation in question or not is also a matter between the Government and the Respondent No. 4. Looking to the nature of the proceedings and the overall circumstances, the Petitioner, the complainant in the matter, cannot be acceded a locus so as to take up the challenge to the order passed by the Collector in remanding the matter to the DSO and to the order passed by the DSO for restoration of authorisation of Respondent No. 4. This Court is not inclined to grant such a locus and liberty to the Petitioner as if a persecutor of the complaint against the Respondent No. 4.

7. Of course, this Court is not making any comments on the merits of the case but so far the Petitioner is concerned, there appears no reason to exercise writ jurisdiction in this matter at his instance.

8. The exercise of writ jurisdiction in this matter at the instance of the Petitioner is declined; and, accordingly, this petition stands rejected.