
(2019) 07 UK CK 0041

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1376 Of 2016

Indira Rani

APPELLANT

Vs

State Of Uttarakand & Others

RESPONDENT

Date of Decision : 02-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0041

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Sudhir Kumar, V.D. Bisen

Final Decision : Disposed Of

Judgement

Sudhanshu Dhulia, J

1. The petitioner evidently has a licence for running a fair price shop for Gram Sabha, Narayanpur, Tehsil Jaspur, District Udham Singh Nagar. According to the petitioner, the fair price shop which she was running caters the consumers of three different Gram Sabhas. There were complaints against the petitioner by the consumers as well as by the "Gram Pradhan" of one Gram Panchayat, Narayanpur, that the petitioner is not getting the stock verified from the "Gram Pradhan", which is the mandatory requirement as per the Government Order dated 15.10.2005. There were other complaints against the petitioner as well that she does not open the shop in time, the distribution of kerosene oil made by the petitioner does not match with the kerosene oil distributed to the consumers, etc. Consequently, the licence of the petitioner's shop was suspended vide order dated 15.07.2011 and she was asked to show cause. Against this order, the petitioner preferred an appeal before the Commissioner, Kumaon Mandal, Nainital who had initially granted a stay to the petitioner but thereafter the appeal of the petitioner was dismissed vide order dated 09.03.2016, wherein clear-cut findings have been given that the petitioner does not open the shop in time, that she does not get the stock verified from the Gram Pradhan, Gram Panchayat,

Narayanpur Smt. Sunita Devi. There are complaints made by others against the petitioner. Aggrieved, the petitioner has filed the present writ petition before this Court.

2. This Court vide order dated 01.06.2016 had granted an interim order in favour of the petitioner.

3. Pursuant to the interim order passed by this Court, the petitioner is presently running the fair price shop.

4. The case of the petitioner is that the Government Order dated 15.10.2005 does not say that stock has to be verified from all the "Gram Pradhans". This, however, is a wrong interpretation of the Government Order dated 15.10.2005 as the Government Order clearly says that stock has to be verified from the concerned Gram Pradhan, though it does not clearly states that in case consumers of a particular shop fall into two or more "Gram Sabhas" it has to be verified by all the "Gram Pradhans". But that should be the logical meaning which has to be derived from it. In case the consumers of a particular shop are spread out in two or three "Gram Sabhas", then logically stock has to be verified by all the "Gram Pradhans". This has admittedly not been done by the petitioner.

5. As of now the fair price shop of the petitioner has been suspended. Ultimately the District Magistrate, Udham Singh Nagar has to decide the matter on the basis of the evidence to be made whether the licence of the fair price shop of the petitioner needs to be cancelled or not, and appropriate orders be passed therein by looking into the complaints, particularly the complaint made by the "Gram Pradhan" which is mentioned in the order dated 09.03.2016 passed by the Commissioner, Kumaon Mandal, Nainital. Let the decision be taken within a period of four weeks from the date a certified copy of this order is received by the District Magistrate.

6. Interim order dated 01.06.2016 is hereby vacated. However, for an interim period of two weeks, which shall expire on or before 16.07.2019, purely in the interest of justice, it is directed that the petitioner shall continue to operate the fair price shop. This, however, would have no effect on the decision to be taken by the District Magistrate, Udham Singh Nagar, which shall be on the merits of the case as it is purely an interim arrangement keeping the interest of public in mind.

7. In view of the above, the writ petition stands disposed.